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CITY OF HAMILTON
OFFICIAL PLAN

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GOVERNMENT DOCUMENTS

CITY OF HAMILTON

OFFICIAL PLAN

Prepared by:

PLANNING AND DEVELOPMENT DEPARTMENT
of the Regional Municipality of Hamilton-Wentworth

June 1990

Official Plan
for the
Hamilton Planning Area

The Official Plan for the Hamilton Planning Area and amendments thereto, were repealed by By-law 80-237, as amended by By-law 82-113, in accordance with Section 17 of the Planning Act, R.S.O., 1980. This repeal is hereby approved.

The Official Plan for the Hamilton Planning Area, which has been adopted by the Council of the Corporation of the City of Hamilton by By-law 80-238, as amended by By-law 82-114, is hereby approved pursuant to Section 14 of the Planning Act as the Official Plan for the Hamilton Planning Area, save and except:

A. The following, which will be referred to the Ontario Municipal Board pursuant to Section 15(1) of the Planning Act:

1. The lands outlined in red and labelled:
 - a) R-1 on Schedule A,
 - b) R-1 on Schedule F,
 - c) R-2 on Schedule A,
2. Subsection A.2.7, on page 39, only insofar as it applies to the lands described in 1(a), and
3. Subsection B.3.1, on page 80, only insofar as it applies to the lands described in 1(b).

B. The following which will be deferred for further consideration pursuant to Section 14(3) of the Planning Act:

1. The designations or symbols outlined in blue and labelled:
 - a) D-1 on Schedule A,
 - b) D-2 on Schedule A,
 - c) D-2 on Schedule F,
 - d) D-3 on Schedule A,
 - e) D-4 on Schedule A,
 - f) D-4 on Schedule B,
 - g) D-4 on Schedule G,
 - h) D-5 on Schedule A, and
 - i) D-6 on Schedule A.

2. Subsection A.2, on page 4, clause four, the last two lines, being the words "supplemented by two sub-regional centres having a similar commercial function, but smaller in scale at other locations",
3. Policy 2.2.2, on page 10, being the words "and Sub-Regional Centres,"
4. Policy 2.2.5, on page 11 in its entirety,
5. Policy 2.4.9(ii), on page 34, as it applies to the lands described in 1(e),
6. Policy 2.5.1, on page 36, in its entirety,
7. Subsection A.2.7, on page 39, as it applies to the lands described in 1(b),
8. Policy 2.7.2, on page 39, as it applies to the lands described in 1(i),
9. Policy 2.9.3.3, on page 52, as it applies to the lands described in 1(f),
10. Subsection B.3.1, on page 80, as it applies to the lands described in 1(c),
11. Policy 2.4, on page 130, as it applies to the lands described in 1(g),
12. Policy 2.9, on page 133, as it applies to the lands described in 1(g).

Date ... June 17 1982


Minister of Municipal Affairs and Housing



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CITY COUNCIL
HAMILTON CANADA

I hereby certify that this plan was
duly registered in the Registry
Office for the Registry Division of
Wentworth this the 31st day
of AUGUST A.D. 1982
at 3:05 P.M. as Number 2297
MISCELLANEOUS
Exceed.
DEP. Land Registrar

P6

ORIGINAL
OF
OFFICIAL PLAN
FOR THE
HAMILTON PLANNING AREA

The attached maps, Schedules "A", "B", "B-1", "C", "D", "E", "F" and "G", and explanatory text, constitute the Official Plan of The Hamilton Planning Area, which has been prepared by the Hamilton Planning and Development Committee and was recommended to the Council of the City of Hamilton under provisions of Sections 12 and 13 of The Planning Act on May 11, 1982.

William Powell
MAYOR

[Signature]
CITY CLERK

This Plan was adopted by the Corporation of the City of Hamilton by By-law No.80-238 as amended by By-law No.82-114 in accordance with Section 13 of The Planning Act on the 11th day of May, 1982.

The Corporation of the City of Hamilton

BY-LAW NO. 82-114

To Amend:

By-law No. 80-238

Respecting:

THE OFFICIAL PLAN OF THE CITY OF HAMILTON PLANNING AREA

WHEREAS By-law No. 80-238, passed on the 26th day of August, 1980, adopted an Official Plan of the Hamilton Planning Area consisting of Schedule 1 annexed to and forming part of the said by-law;

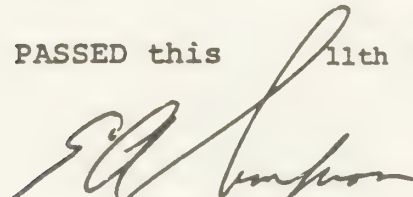
AND WHEREAS the council of the City of Hamilton in adopting section 2 of the 6th Report of the Planning and Development Committee on April 13, 1982 endorsed modifications to the said Official Plan proposed by the Minister of Municipal Affairs and Housing and directed that By-law No. 80-238 be amended by deleting Schedule 1 and replacing it with a revised Schedule 1 which incorporates the Minister's modifications.

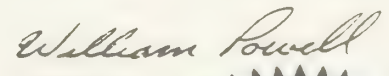
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule 1 to By-law No. 80-238 is repealed and Schedule 1 Revised 1982 annexed hereto and forming part of this by-law is substituted in lieu thereof.

2. It is hereby authorized and directed that this by-law be forwarded to the Minister of Municipal Affairs and Housing for such approval as may be requisite.

PASSED this 11th day of May A.D. 1982.


City Clerk

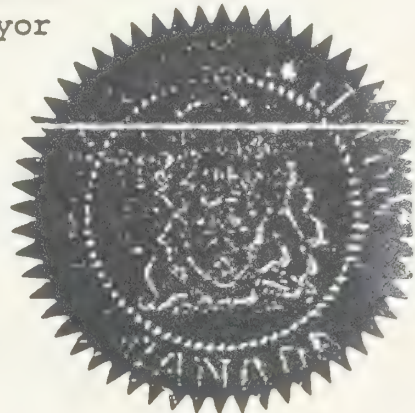

Mayor

(1982) 6 R.P.D.C. 2(b), April 13
City Initiative

J-13

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CITY CLERK



The Corporation of the City of Hamilton

BY-LAW NO. 80- 238

To Adopt:

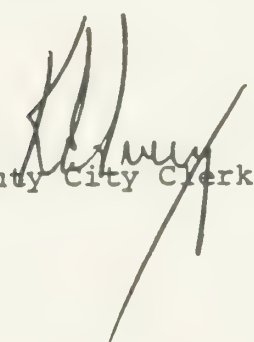
THE OFFICIAL PLAN OF THE CITY OF HAMILTON PLANNING AREA

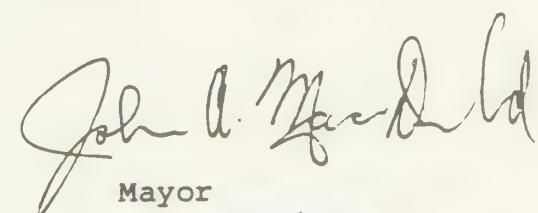
The Council of The Corporation of the City of
Hamilton enacts as follows:

1. The Official Plan of the Hamilton Planning Area
consisting of Schedule 1, hereto annexed and forming part
of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such
approval of the Official Plan referred to in section 1
above as may be requisite, be obtained and for the doing
of all things for the purpose thereof.

PASSED this 26th day of August A.D. 1980.


Deputy City Clerk

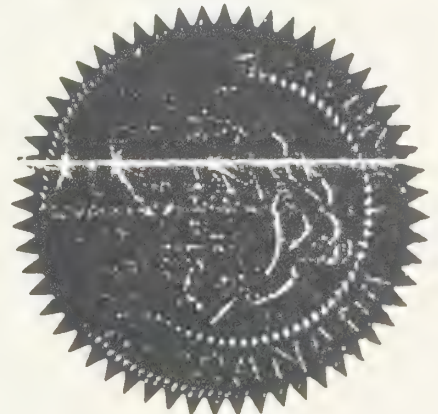

Mayor

(1980) 27 R.P.D.C. 1(a), August 26

J.43

CERTIFIED A TRUE COPY


CITY CLERK



The Corporation of the City of Hamilton

BY-LAW NO. 82-113

To Repeal:

THE OFFICIAL PLAN AMENDMENTS TO THE OFFICIAL PLAN
OF THE CITY OF HAMILTON PLANNING AREA

WHEREAS the Official Plan of the City of Hamilton Planning Area was approved by the Minister on the 12th day of June, 1951;

AND WHEREAS By-law No. 80-237, passed on the 26th day of August, 1980 repealed the Official Plan and amendments 1 to 352 inclusive, but not yet approved by the Minister and is not in force;

AND WHEREAS By-law No. 80-238, passed on the 26th day of August, 1980 adopted a new Official Plan for the City of Hamilton Planning Area and is not in force;

AND WHEREAS the new Official Plan adopted by By-law No. 80-238 has not yet been approved by the Minister and is not in force;

AND WHEREAS because the new Official Plan adopted by By-law No. 80-238 has not yet been approved by the Minister, amendments were made to the existing official plan;

AND WHEREAS it is proposed to repeal the official plan amendments referred to in the immediately preceding paragraph.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) The second recital of By-law No. 80-237 is repealed.

(2) The third recital of the said by-law is amended by inserting after "new" in the second line "revised".

2. Section 2 of the said by-law is amended by adding the following thereto:

(3) The Official Plan Amendments numbered 353 to 376 inclusive, referred to in column 1 of Schedule "A", adopted by the corresponding By-laws in column 2, on the dates referred to in column 3, are repealed.

3. Schedule "A" to By-law No. 80-237 is amended by adding the following thereto:

Official Plan Amendment No. (Column 1)	By-law No. Adopting Official Plan Amendment (Column 2)	Date of Adoption of Official Plan Amend- ment by City Council (Column 3)
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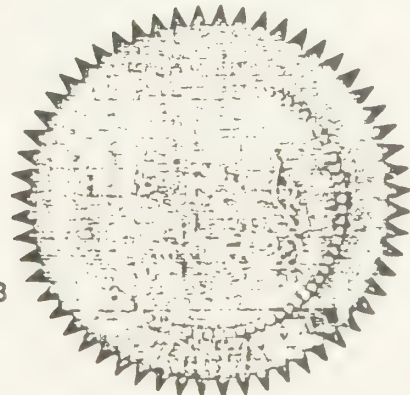
353	80-298	November 11, 1980
354	81-010	December 9, 1980
355	81-80	February 24, 1981
356	81-114	April 14, 1981
358	81-152	May 12, 1981
359	81-153	May 12, 1981
360	81-156	May 12, 1981
362	81-192	June 23, 1981
363	81-194	June 23, 1981
365	81-189	June 23, 1981
366	81-195	June 23, 1981
367	81-288	October 27, 1981
368	81-289	October 27, 1981
369	81-290	October 27, 1981
370	81-326	November 24, 1981
371	81-324	November 24, 1981
373	81-325	November 24, 1981
374	82-61	March 30, 1982
375	82-80	April 13, 1982
376	82-79	April 13, 1982

PASSED this 11th day of May A.D. 1982.


City Clerk


Mayor

(1982) 6 R.P.D.C. 2(c), April 13
City Initiative



CITY OF HAMILTON

OFFICIAL PLAN

CONSOLIDATION

OFFICIAL PLAN CONSOLIDATION

This consolidation of the Official Plan for the City of Hamilton has been prepared by the Local Planning Branch of the Hamilton-Wentworth Planning and Development Department for the purpose of convenience only. For accurate reference, the Official Plan and approved amendments, as lodged in the office of the City Clerk, should be consulted.

OFFICIAL PLAN APPROVAL

The Official Plan for the City of Hamilton was adopted by By-law 80-238, as amended by By-law 82-114, by the Hamilton City Council, and approved by the Minister of Municipal Affairs and Housing on June 1, 1982.

OFFICIAL PLAN AMENDMENTS

Since the approval of the Official Plan, City Council has adopted 91 amendments to June 30, 1990, reflecting changes in policy direction or detailing certain aspects of the Plan. The Table of Amendments in this consolidation lists all 91 amendments by number, description and the specific policy(ies) and/or schedule(s) affected. It also states whether the amendments have received Ministerial approval. Further, it should be noted that as of November 3, 1986, the Minister's approval authority for local official plans and amendments was delegated to the Council of the Regional Municipality of Hamilton-Wentworth. All amendments, starting with O.P.A. 42, have been submitted to the Region for approval.

Only those Amendments which have been approved as of June 30, 1990 are contained in this Consolidation.

TABLE OF AMENDMENTS

<u>AMEND. NO.</u>	<u>LOCATION AND NATURE</u>	<u>SCHEDULE/ POLICY</u>	<u>DECISION AND DATE</u>
1.	56 Frederick Ave. - To permit limited commercial and office uses on land designated "Residential".	Schedule "B", Special Policy Area (S.P.A. 16), Policy A.2.9.3.14	Approved - July 20, 1983
2.	587 James Street North - To redesignate lands from "Residential" to "Commercial" to recognize the existing service station.	Schedule "A"	Approved - July 20, 1983
3.	249 Stone Church Road - To permit an existing electronic communications and contracting business on lands designated "Residential".	Schedule "B", S.P.A. 17, Policy A.2.9.3.15	Approved - August 22, 1983
4.	Homeside Neighbourhood - To incorporate proposed land use changes in accordance with the Homeside Neighbourhood Plan.	Schedules "A" and "B", S.P.A. 18, Policy A.2.9.3.16	Approved - March 8, 1984
5.	First Annual Update - To incorporate minor changes into the Plan.	Schedules "A" and "B" and various policy changes throughout the Plan.	Approved - July 19, 1983
6.	638 to 672 Upper James Street - To permit limited commercial uses on lands designated "Residential".	Schedules "A" and "B", S.P.A. 19, Policy A.2.9.3.17	Approved - August 11, 1983
7.	Commercial Design Standards - To guide the Neighbourhood Planning process in the distribution of shopping centres on the south mountain.	Schedule "B-2", S.P.A. 21, 22 and 23, Policy A.2.2.8 and D.2.5	Approved - April 15, 1985
8.	St. Elizabeth Retirement Village Rymal Road West - To permit a banquet hall on lands principally used for a retirement village.	Schedule "B", S.P.A. 6, Policy A.2.9.3.4	Approved - December 13, 1984

9.	1099 - 1101 Cannon Street East - To permit limited commercial uses on lands designated "Residential".	Schedule "B", S.P.A. 20, Policy A.2.9.3.18	Approved - November 23, 1983
10.	2 Guise Street East - To redesignate lands from "Commercial" to "Residential" to permit a townhouse development.	Schedule "A"	Approved - May 7, 1984
11.	Keith Neighbourhood - To incorporate a "zoning buffer" in accordance with the Keith Neighbourhood Plan.	Schedule "B", S.P.A. 24, Policy A.2.9.3.19	Denied - June 5, 1986
12.	Normanhurst Neighbourhood - To incorporate Policy and Schedule changes in accordance with the Normanhurst Neighbourhood Plan.	Schedule "A" and Policy A.2.7.5	Pending
13.	Lands located on the north side of Limeridge Road East - To redesignate lands from "Residential" to "Commercial" to permit commercial facilities.	Schedule "A"	Approved - October 15, 1984
14.	Energy Conservation Policies - To incorporate policies which promote energy conservation throughout the City.	Policies B.3.1.19, C.8.2 and C.8.3	Approved - September 13, 1984
15.	New Planning Act - To incorporate policies regarding Alternate Notice Procedures; Community Improvement; Holding and Bonus By-laws and Site Plan Control.	Schedule "H" and various policy changes throughout the Plan.	Approved - October 26, 1984
16.	17-21 East Avenue South - To permit a multiple residential building on lands designated "Commercial".	Schedule "B", S.P.A. 25, Policy A.2.9.3.20	Approved - September 25, 1984

17.	Lands located north of King Street East and east of Nash Road - To redesignate lands from "Residential" to "Major Institutional" to permit an Ambulatory Care Facility.	Schedule "A"	Approved - August 31, 1984
18.	220-230 Hempstead Drive - To permit an auto repair garage on lands designated "Industrial" in the East Mountain Industrial Park.	Schedule "B", S.P.A. 26, Policy A.2.9.3.21	Approved - October 15, 1984
19.	1117 Main Street West - To permit vehicular parking on lands designated "Residential".	Schedule "B", S.P.A. 27, Policy A.2.9.3.22	Approved - October 3, 1984
20.	Lands located on the west side of Gray's Road north of Q.E.W. - To redesignate lands from "Open Space" to "Residential" to permit a residential development.	Schedule "A"	Approved - October 15, 1984
21.	448 Barton Street East - To permit the manufacturing of clothing on lands designated "Commercial".	Schedule "B-1", S.P.A. 28, Policy A.2.9.3.23	Approved - October 15, 1984
22.	Staging of Development - To replace Staging of Development policies with Development and Servicing Extension policies in anticipation of demand for commercial development along Upper James Street.	Schedule "E" (deleted) and various policy changes throughout the Plan.	Approved - September 12, 1985
23.	1053 Main Street West - To Redesignate lands from "Open Space" to "Commercial" to permit commercial uses.	Schedule "A"	Approved - July 5, 1985
24.	Northwest corner of Stone Church Road and Upper Gage - To redesignate from "Residential" to "Commercial" to permit an automobile service station.	Schedule "A"	Approved - February 14, 1985

25.	638 Upper James Street - To permit the construction of an office building.	Schedule "B", S.P.A. 29, Policy A.2.9.3.24	Approved - March 12, 1985
26.	North-west corner of Rymal Road East and Nebo Road - To permit limited number of commercial uses.	Schedule "B", S.P.A. 30, Policy A.2.9.3.25	Approved - April 29, 1985
27.	Second Annual Update - To incorporate minor changes into the Plan. the Plan.	Schedules "A" and "B" and various policy changes throughout	Approved - September 12, 1985
28.	Upper James Street Corridor - To generally redesignate lands along Upper James Street from "Residential"; "Major Institutional"; and, "Open Space" to "Commercial" to provide for a diversity of retail and service uses.	Schedules "A" and "B", S.P.A. 31, Policy A.2.9.3.26	Approved - August 14, 1986
29.	1188 - 1196 Rymal Road East - To permit limited commercial uses.	Schedule "B", S.P.A. 32, Policy A.2.9.3.27	Approved - July 17, 1985
30.	201 to 205 and 209 Quigley Road - To redesignate lands from "Commercial" to "Residential" to permit a townhouse development.	Schedule "A"	Approved - April 1, 1986
31.	Upper Wentworth Street south of Mohawk Road - To redesignate lands from "Residential" to "Commercial" to permit commercial uses.	Schedules "A" and "B", S.P.A. 33, Policy A.2.9.3.28	Approved - January 8, 1986
32.	New Planning Act - To incorporate policies regarding future road widening under Site Plan Control.	Policy B.3.1.19	Approved - March 3, 1986
33.	22 Veevers Drive - To redesignate from "Residential" to "Open Space" to permit a horticultural/historical resource centre.	Schedule "A"	Approved - April 16, 1986

34.	660 Upper James Street - To permit a commercial use which is larger in external dimensions and floor area than the existing building.	Schedule "B", S.P.A. 34, Policy A.2.9.3.29	Approved - May 27, 1986
35.	Upper Gage Avenue north of Limeridge Road East - To redesignate lands from "Residential" to "Commercial" to permit the expansion of an existing commercial plaza.	Schedule "A"	Approved - June 30, 1986
36.	304-326 Victoria Avenue North - To redesignate lands from "Residential" to "Commercial".	Schedule "A"	Approved - July 8, 1986
37.	West of Anchor Road, South of Stone Church Road East - To establish a site specific policy to permit the establishment of an Observation and Detention Home.	Schedule "B", S.P.A. 35, Policy A.2.9.3.30	Approved - August 18, 1986
38.	King Street East, west of City Limits - To redesignate lands from "Residential" to "Commercial"; "Open Space" to "Residential"; "Commercial" to "Residential"; and "Residential" to "Open Space", to permit a residential development.	Schedule "A"	Approved - July 31, 1986
39.	Ryckmans Neighbourhood Plan - To incorporate various land use changes in accordance with the Council adopted Neighbourhood Plan.	Schedule "A"	Approved - December 18, 1986
40.	East side of Mall Road south of Mohawk Road - To redesignate lands from "Major Institutional" to "Commercial".	Schedule "A"	Approved - February 17, 1987
41.	122 and 132 Queen Street South - To redesignate lands from "Residential to "Commercial" to permit the expansion of an existing grocery store.	Schedule "A"	Approved - May 13, 1987

42.	101 Broadway Avenue - To redesignate lands "Residential" and remove from Special Policy Area 11.	Schedules "A" and "B", S.P.A.11, Policy A.2.9.3.9	Approved - April 1, 1987
43.	425 Melvin Avenue - To redesignate lands from "Residential" to "Commercial".	Schedule "A"	Approved - March 3, 1987
44.	638 - 672 Upper James Street - To delete O.P.A. 25 and amend O.P.A. 6.	Schedule "B", S.P.A. 29, Policy A.2.9.3.24, S.P.A. 19, Policy A.2.9.3.17	Approved - March 17, 1987
45.	West side of Upper Horning Road, south of Nellida Court - To redesignate from "Commercial" to "Residential" and delete from "Special Policy Area 23".	Schedules "A" and "B-2"	Approved - March 3, 1987
46.	Third Annual Update - To incorporate changes into the Plan as a result of of third annual review.	Schedules "A", "B" and "F". Various policy changes.	Approved - April 7, 1987
47.	South-west corner of Barton Street East and Bell Manor Street - To establish "Special Policy Area" to permit commercial uses in "Residential" area.	Schedule "B", S.P.A. 36, Policy A.2.9.3.31	Approved - May May 19, 1987
48.	131 Charles Street - To establish "Special Policy Area" to permit office use.	Schedule "B", S.P.A. 37, Policy A.2.9.3.32	Approved - November 3, 1987
49.	678 Upper James Street - To establish "Special Policy Area".	Schedule "B", S.P.A. 38, Policy A.2.9.3.33	Approved - November 3, 1987
50.	122-124 Young Street - To establish "Special Policy Area" to permit office use.	Schedule "B-1", S.P.A. 39, Policy A.2.9.3.34	Approved- February 2, 1988
51.	1094 Upper Sherman Avenue - To redesignate lands from "Residential" to "Commercial"	Schedule "A".	Rescinded by Council, May 10, 1988

52.	North side of Rymal Road between Upper James Street and West 5th Street - To redesignate lands from "Residential" to "Commercial" and delete them from "Special Policy Area 22".	Schedules "A" and "B-2"	Approved - December 19, 1988
53.	418 Limeridge Road East - To establish "Special Policy Area" to permit office use.	Schedule "B", S.P.A. 40, Policy A.2.9.3.35	Approved - March 1, 1988
54.	West of Upper James Street, south of Stone Church Road - To redesignate lands from "Residential" to "Commercial" and to extend "Special Policy Area 31".	Schedules "A" and "B"	Approved - October 17, 1989
55.	North of Clinton Avenue, east of Sherman Avenue North - To redesignate lands from "Industrial" to "Open Space".	Schedule "A"	Approved - June 29, 1988
56.	1489-1545 Upper James Street - To redesignate lands from "Residential" to "Commercial" and extend "Special Policy Area 31".	Schedules "A" and "B"	Approved - November 1, 1988
57.	849 - 853 Upper Wentworth Street - To amend "Special Policy Area 33".	S.P.A. 33, Policy A.2.9.3.28	Approved - December 19, 1989
58.	South-west corner of Upper Sherman Avenue and Limeridge Road East - To redesignate lands from "Residential" to "Commercial".	Schedule "A"	Approved - May 29, 1990
59.	North-west corner of Rymal Road East and Upper Wentworth Street - To redesignate lands from "Residential" to "Commercial" and establish "Special Policy Area".	Schedules "A" and "B", S.P.A. 41, Policy A.2.9.3.36	Approved - December 20, 1988
60.	1375-1417 Upper James Street - To redesignate lands from "Residential" and "Open Space" to "Commercial" and extend "Special Policy Area 31".	Schedules "A" and "B"	Approved - February 7, 1989

61.	467 Beach Boulevard - To redesignate lands from "Open Space" to "Major Institutional" and to delete them from "Special Policy Area 10".	Schedules "A" and "B"	Approved - December 20, 1988
62.	The Hamilton Beach and Confederation Park, located between Lake Ontario, the City of Stoney Creek, Grays Road, the Queen Elizabeth Way and the Burlington Canal - To incorporate changes to Schedules, revise and add a new "Special Policy Area" and related policies.	Schedules "A" and "B", S.P.A. 10, Policy A.2.9.3.8	Pending
63.	West side of Centennial Parkway North, between the Queen Elizabeth Way and Confederation Drive - To redesignate lands from "Open Space" to "Commercial" and to delete them from "Special Policy Area 10".	Schedules "A" and "B"	Approved - March 7, 1989
64.	North of Rymal Road East, between Upper Wentworth Street and the Hydro R.O.W - To redesignate lands from "Residential" to "Commercial" and establish "Special Policy Area".	Schedules "A" and "B", S.P.A. 42, Policy A.2.9.3.37	Approved - January 17, 1988
65.	North of Stone Church Road East, between Upper Wentworth Street and Upper Sherman Avenue - To redesignate lands from "Residential" to "Commercial".	Schedule "A"	Approved - February 7, 1988
66.	Central Area Plan - To incorporate the updated Central Area Plan into the Official Plan.	Schedules "A" and "B" Various Policy changes and new Subsection A.4	Pending
67.	872-890 Upper Wentworth Street - To redesignate lands from "Residential" to "Commercial" and to extend "Special Policy Area 33".	Schedules "A" and "B"	Approved - February 7, 1988

68.	2783 King Street East - To establish "Special Policy Area" to permit limited commercial uses.	Schedule "B", S.P.A. 43, Policy A.2.9.3.38	Approved - April 4, 1989
69.	191 Bay Street South - To establish "Special Policy Area" to permit offices.	Schedule "B-1", S.P.A. 44, Policy A.2.9.3.39	Pending
70.	282, 284, and 288 Grays Road - To redesignate the lands from "Utilities" to "Commercial".	Schedule "A"	Approved - June 6, 1989
71.	1249 Stone Church Road East - To establish a "Special Policy Area" to permit limited commercial uses.	S.P.A. 45, Policy A.2.9.3.40	Approved - September 19, 1989
72.	107 Mohawk Road East - To redesignate the lands from "Utilities" to "Commercial".	Schedule "A"	Approved - June 20, 1989
73.	South of Rymal Road West, west of Christie Street - To redesignate the lands from "Major Institutional" and "Open Space" to "Residential".	Schedule "A"	Approved - August 15, 1989
74.	968-998 Upper Wentworth Street - To amend S.P.A. 33 to permit a restaurant and tavern.	S.P.A 33, Policy A.2.9.3.28	Approved - March 1, 1989
75.	Rear portion of 1170-1200 Upper James Street - To redesignate the lands from "Residential" to "Commercial" and extend S.P.A. 31.	Schedules "A" and "B", S.P.A. 31	Pending
76.	South-west corner of Rymal Road East and Ryckman Street - To redesignate from "Residential" to "Commercial" and establish "Special Policy Area".	Schedules "A" and "B", S.P.A. 46, Policy A.2.9.3.41	Approved - November 7, 1989
77.	South of Rymal Road East, east of Miles Road - To incorporate four redesignations to Schedule "A".	Schedule "A"	Approved - November 7, 1989

78.	South-west corner of King Street East and Greenhill Avenue, - To redesignate from "Residential" to "Commercial".	Schedule "A"	Pending
79.	197 & 211 Stone Church Road East - To redesignate from "Open Space" to "Major Institutional".	Schedule "A"	Approved - January, 16, 1990
80.	Incorporate changes into OP as a result of the Official Plan Major (Five Year) Review.	Schedules "A", "B" and "D" Subsections A.1, A.2.1, A.2.2 A.2.3, A.2.6, A.2.7, A.2.8, A.3.1, A.5, B.2.2, B.2.3, B.2.4, B.3.1, B.3.2, B.3.3, B.3.4, B.3.7, B.4, C.1.3, C.4, C.6, C.7, D.1, D.2, and D.3	Pending
81.	2846 King Street East - To establish a Special Policy Area to permit limited commercial uses within the existing building.	Schedule "B", S.P.A 47, Policy A.2.9.3.42	Approved - April 3, 1990
82.	North-west corner of Limeridge Road East and Upper Gage Avenue - To redesignate from "Residential" to "Commercial".	Schedule "A"	Pending
83.	South of the C.N.R. Railway and east of Centennial Parkway North - To redesignate from "Industrial" to "Commercial" and establish a Special Policy Area to limit commercial uses.	Schedules "A" and "B", S.P.A 11, S.P.A. 48, Policy A.2.9.3.43	Approved - April 3, 1990
84.	820 Rymal Road East - To redesignate from "Residential" to "Commercial".	Schedule "A"	Pending
85.	North of Rymal Road East between Upper Wentworth Street and Upper Sherman Avenue - To redesignate from "Utilities" to "Residential".	Schedule "A"	Approved - May 1, 1990
86.	Centennial Parkway North, from the Q.E.W. to the City limits, - To incorporate changes to OP as a result of the Gateway East study.	Schedules "A", "B" and "H", S.P.A. 11 and 49, Policy A.2.9.3.44 and Policy B.3.5.3 to B.3.5.7	Approved - June 5, 1990
87.	Lands designated "Utilities" in the Hamilton Harbour (Piers 10 to 14 and Piers 25 to 27) - To clarify the intent of the OP re: land use jurisdiction for lands designated "Utilities" in the Harbour.	Policy A.2.7.2	Pending

88.	West of Anchor Road, south of Stone Church Road East - To establish a S.P.A. to permit limited commercial uses in the Industrial designation.	Schedule "B", S.P.A. 50, Policy A.2.9.3.45	Pending
89.	286 Sanford Avenue North - To redesignate from "Industrial" to "Residential".	Schedules "A" and "B", S.P.A. 11	Pending
90.	26 Arrowsmith Road - To establish a S.P.A. to permit general office uses in the Industrial designation.	Schedule "B", S.P.A. 51, Policy A.2.9.3.46	Pending
91.	1441 Upper James Street - To redesignate from "Residential" to "Commercial".	Schedules "A" and "B"	Pending

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PART ONE - INTRODUCTION

- A - Purpose of the Plan**
- B - Basis of the Plan**
- C - Assumptions**
- D - Plan Preparation, Format and Interpretation**

A - Purpose of the Plan

The Official Plan for the City of Hamilton is a comprehensive guide to co-ordinate public and private actions in an orderly manner by defining future relationships among land uses and municipal services. In particular, the Official Plan:

- *Expresses long-term intentions on the nature and extent of growth and the protection of the natural and man-made resources through a land use and management strategy for Hamilton to the year 2001;*
- *Provides the terms of reference for public works and private initiatives, and functions as a standard against which the City evaluates the appropriateness of such initiatives in relation to the land use and management strategy;*
- *Functions as an intermediary between the broad concepts of the Regional Municipality of Hamilton-Wentworth Official Plan (hereinafter referred to as the "Regional Official Plan"), the intentions of the Niagara Escarpment Plan and the Parkway Belt West Plan, local conditions and municipal objectives; and,*
- *Defines the means for implementing municipal planning intentions by such measures as special studies, neighbourhood plans and zoning by-laws.*

B - Basis of the Plan

The basis for the preparation of this Official Plan for the City of Hamilton is founded in the following factors;

- *The original Official Plan was approved by the Minister of Planning and Development on June 12th, 1951. Given its relative simplicity, consisting of a land use map and an accompanying page of text, as well as the spatial growth of the City due to annexations, the Plan was subsequently amended over three hundred times. Except for the more recent major land use amendments, few of these amendments introduced policy applicable throughout the City. This has made the Plan complex and administratively difficult to interpret.*
- *Accordingly, a new Plan is required which establishes comprehensive policy direction applicable throughout the City and at a level of detail which would reduce the frequency of amendments experienced in the past. In addition, a framework is required which could be amended, when warranted, in a uniform manner without jeopardizing the general intentions of the Plan.*
- *Various changes to The Planning Act and the advent of other planning-related legislation in recent years requires a Plan which enables municipal decision makers to effectively utilize all planning powers bestowed to them in the growth and management of Hamilton.*
- *The regulations and policies of such supra-regional agencies as the Niagara Escarpment Commission, the Conservation Authorities, the Parkway Belt West Plan, and Federal and Provincial Ministries who have jurisdiction within the City, have necessitated a Plan which adapts their policies to local planning intentions.*
- *A number of planning related studies have been initiated on behalf of the City, whose findings have significant implications on the growth and management of Hamilton. This has necessitated a Plan which recognizes the recommendations of the various neighbourhood planning studies, the Central Area Plan, the Commercial Plan policies, the Transportation Plan policies, among others, within the general planning intentions of the City.*

- *Subsequent to the formation of the Regional Municipality of Hamilton-Wentworth in 1974 (hereinafter referred to as the "Region"), a Regional Official Plan has been prepared which provides broad policy and growth direction for the area municipalities. As such, a Plan for Hamilton is required which brings municipal policies into conformity with the intentions of the Regional Official Plan.*
- *The changing demographic trends witnessed in recent years (i.e., the aging of the post-war baby boom and growth in the prominence of non-family households) were not envisaged some thirty years ago in the preparation of the existing Official Plan. As a result, there is now a need to incorporate the implications of these changes in a new Plan for Hamilton.*

C - Assumptions

The Official Plan for the City of Hamilton is based on a number of assumptions which set the framework for policy by defining the anticipated function and character of the City, as well as the rate and configuration of growth during the operation of the Plan. Specifically, the Plan is based on the following assumptions:

- *The City of Hamilton will continue as the major urban community within, and an integral component of, the Region. It is anticipated that the City will function as the primary centre for employment, shopping and residences serving the Region.*
- *The City will be able to accommodate a population of up to 386,000 persons by the year 2001.*
- *The majority of anticipated growth will occur on the Mountain, commensurate with the provisions of engineering and community services, although redevelopment will occur to some extent in the older lower portion of the City. It is anticipated that growth and redevelopment will be at a scale and density that is energy efficient and is sensitively integrated with the established urban pattern.*

D - Plan Preparation, Format and Interpretation

In 1975, a planning program was initiated to prepare a new Official Plan for the City of Hamilton. This program began by detailed analysis of various land uses and the formulation of appropriate policies consisting of the:

*Open Space Plan (1977);
Industrial Plan (1978);
Residential Plan (1978);
Harbour Area Plan (1979);
Commercial Plan Study (1979); and,
Transportation Plan Study (1979).*

The last phase in this program was to consolidate these elements, in addition to providing policy direction in other associated areas of concern such as general growth and management, engineering services, amenity and design, and implementation.

The end result of this exercise has been the preparation of a comprehensive Plan for the City of Hamilton.

The Official Plan is organized in the following manner:

- *Part One - 'Introduction' - details the basis and assumptions underlying the Plan and is intended for information purposes only.*
- *Part Two - 'The Plan' - is set out in four sections. Each section is introduced by paragraphs of explanation in italics, followed by numbered Policy statements and related Schedules. The Policy statements and Schedules will govern through the authority of The Planning Act where it states that no public works shall be undertaken or no by-laws passed that do not conform to the Plan and, accordingly, will require the approval of the Minister of Municipal Affairs and Housing.*

The paragraphs of explanation are provided only to assist in the interpretation of the Policy statements and help to clarify the general intent of the Plan.

In the case of a discrepancy between the policy statements and related Schedules, the policies will supersede. A change to the policy statements will require an amendment to the Plan.

PART TWO - THE PLAN

**Section A - Land Use and
Management Strategy**

Section B - Servicing Strategy

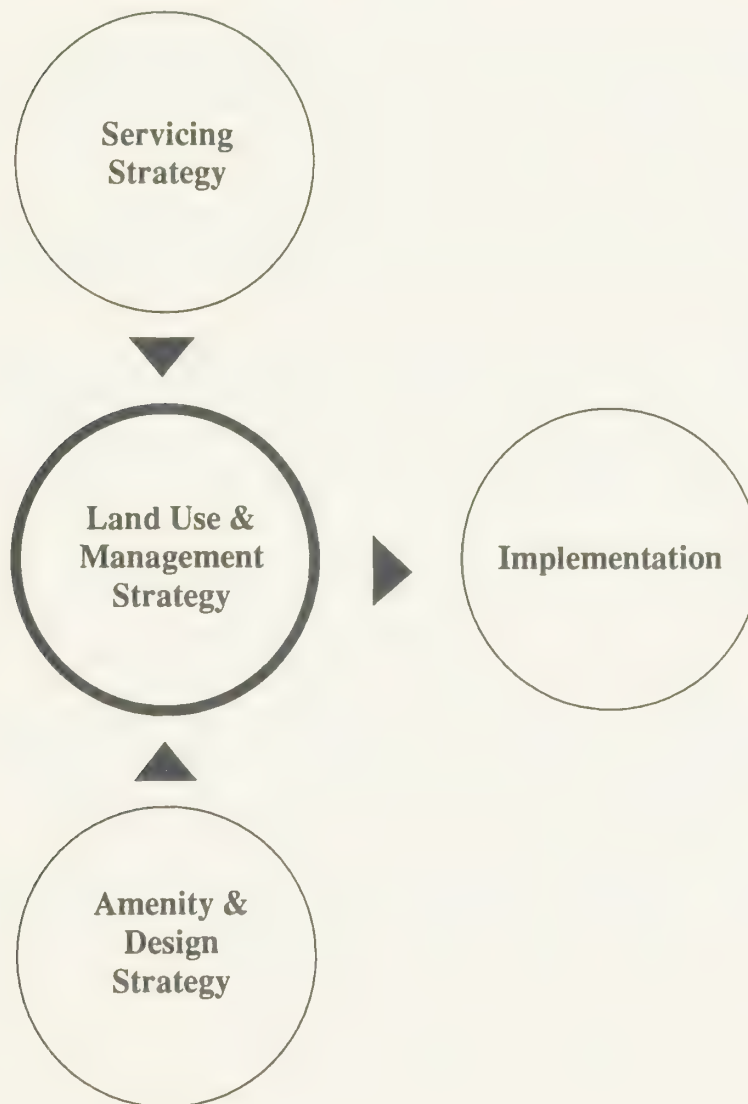
**Section C - Amenity and Design
Strategy**

Section D - Implementation

SECTION A - LAND USE AND MANAGEMENT STRATEGY

In keeping with the general intentions of the Regional Official Plan, and the findings of the various projections, background studies and analysis undertaken in the preparation of this Plan, a LAND USE AND MANAGEMENT STRATEGY has been devised to guide the nature and physical extent of anticipated growth in Hamilton to the year 2001. This STRATEGY:

- *expresses population and employment assumptions for growth; and,*
- *prescribes an attainable Land Use Concept.*



Subsection A.1 - Anticipated Growth

The Regional Official Plan anticipates that the Region may reach a population of approximately 550,000 persons by the year 2001, and has allocated a population figure of 386,000 to the City of Hamilton. It is the intent of this Plan that population be distributed equitably in relation to the established development pattern and the capacity of existing and future services.

It is also anticipated in the Regional Official Plan that in the future, a greater proportion of the City's population will be in the working age group (14 to 65). Indications are that there will also be more women in the work force. Given these two factors, it is anticipated that Hamilton may reach a work force of 233,500 by the year 2001. Accordingly, every measure is taken in the subsequent sections of this Plan to accommodate growth up to these figures.

- 1.1 Council will monitor, on an annual basis, population growth and related housing needs in order to identify required amendments to this Plan, or Neighbourhood Plans, and/or the Five-Year Capital Works Program.
- 1.2 In order to effectively accommodate ANTICIPATED GROWTH, Council will endeavour to ensure that:
 - i) The various School Boards are satisfied that adequate provision to accommodate any additional school children can be made;
 - ii) Sufficient community facilities such as parks, recreation facilities or libraries can be provided;
 - iii) Any increase in traffic may be accommodated by the road network without causing unacceptable congestion, accident hazard or nuisance to adjacent residential areas;
 - iv) Residential amenities are maintained; and,
 - v) Adequate engineering services such as sewage disposal facilities, water supply and storm drainage can be made available without undue additional cost.
- 1.3 Council will promote economic growth by co-operating with the Region and other agencies to attract industry and commerce to the City.

Subsection A.2 - Land Use Concept

The intent of this Official Plan is to define, through the LAND USE CONCEPT, the nature and extent of future growth, while promoting an orderly and attractive community. The pattern of LAND USE established on Schedule "A" and accompanying policies are intended to:

- *maintain a desirable diversity of LAND USES within the City by designating areas to be utilized for Residential, Commercial, Industrial, Major Institutional, Open Space and other uses;*
- *channel growth into groupings of complementary LAND USES to utilize conditions most suited to the requirements of each group;*
- *establish a LAND USE pattern which ensures that services and utilities may be effectively used; major open spaces, conservation or environmentally sensitive areas are protected; and sufficient shopping, recreation and employment opportunities may be accommodated which are reasonably accessible from residential uses; and,*
- *promote the central area as the major multi-use focus of community life and commerce for the City and Region, supplemented by two sub-regional centres having a similar commercial function, but smaller in scale, at other locations.*

Subsection A.2.1 - Residential Uses

It is the intent of this Plan to ensure that the RESIDENTIAL USES of land is sufficient to accommodate anticipated population growth and changing demands for RESIDENTIAL development of varied styles and densities, while ensuring the maintenance of amenities for residents. As well, the Plan is intended to ensure that new RESIDENTIAL development or redevelopment is appropriately located; is compatible with surrounding development; is not subjected to noxious impacts; and achieves the conservation and efficient use of energy.

- 2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- 2.1.2 Lands designated for RESIDENTIAL USES within the Central Policy Area are not indicated on Schedule "A". In recognition of the multiplicity of land uses, policies will be identified in more detail in Subsection A.2.8, Central Policy Area.
- 2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - i) Public parks less than .4 hectare in size;
 - ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;
 - iii) Individual retail or service stores in a multiple dwelling containing at least 100 dwelling units, expressly to serve the occupants therein; and,
 - iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- 2.1.4 Home Occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:
 - i) A Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;

- ii) A Home Occupation will occupy only a limited floor area of the dwelling; and,
- iii) The Home Occupation use will not detract from the RESIDENTIAL character of the area.

Further, a Home Occupation will not be deemed to be a mixed Commercial/Residential Use for the purposes of Subsection A.2.2 of this Plan.

2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:

- i) Is situated on a major road;
- ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
- iii) Will provide an acceptable amount of on-site parking; and,
- iv) Will otherwise not detract from the character of the RESIDENTIAL area.

2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off- street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES.

2.1.7 In order to preserve and utilize older buildings no longer appropriate for RESIDENTIAL USE, and to provide a specialty type of Commercial service in proximity to the central area of the City, Council may permit the conversion of existing RESIDENTIAL buildings located in high-density RESIDENTIAL areas for Commercial Uses such as financial offices, as may be identified through the preparation of Neighbourhood Plans.

2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- 2.1.9 Council will encourage the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:
- i) Reduced road lengths;
 - ii) Building orientation;
 - iii) Retention of existing trees and other vegetation;
 - iv) Clustering of units; and,
 - v) Such other matters as Council deems necessary; and which are in keeping with the provisions of Subsection C.8, Energy.
- 2.1.10 Subject to the Ontario Building Code, as amended from time to time, development and redevelopment designs which reflect improved energy efficiency and take into account innovations in building technology will be encouraged.
- 2.1.11 Subject to the policies of Subsection B.1, preference will be given to the complete development of RESIDENTIAL neighbourhoods.
- 2.1.12 The average population density for each undeveloped and developing Neighbourhood in the City will be approximately ninety (90) persons per gross hectare of land designated RESIDENTIAL on Schedule "A". (O.P.A. No. 27)
- 2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- 2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- 2.1.15 Prior to the approval of RESIDENTIAL development adjacent to railway rights of way, Council will have regard for the requirements of Subsection B.3.5, Rail Service.

2.1.16 To enhance the quality of any high density RESIDENTIAL development, Council may, where deemed appropriate, permit additional density, where the proponent provides landscaped areas in excess of the Zoning By-law provisions in accordance with Subsection D.3 of this Plan. (O.P.A. No. 15)

Subsection A.2.2 - Commercial Uses

It is the general intent of this Plan that COMMERCIAL development occur in an orderly manner, consistent with the needs of the community. The Plan promotes a hierarchy of COMMERCIAL categories to best serve the residents of the City, and to recognize and accommodate the locational, trade area or special requirements of businesses of varying size and function.

The Plan promotes a high aesthetic quality in all COMMERCIAL areas and endeavours to minimize their impacts on adjacent land uses, most importantly, Residential uses. It is intended that all COMMERCIAL areas be readily and safely accessible and be provided with adequate parking and loading facilities.

The Central Policy Area is recognized as the highest level in the COMMERCIAL hierarchy and is promoted as the principal retail centre for both the City and the Region, offering the widest range of goods and services. Due to the diversity in land uses within the Central Policy Area, specific policies are articulated in Subsection A.2.8, Central Policy Area.

Further, the Plan promotes Shopping Centres of varying sizes, ranging from Sub- Regional Shopping Centres down to the smaller Neighbourhood Shopping Centres. It is intended that such Centres be distributed to provide sufficient business opportunity and consumer choice without undermining the primacy and viability of the Central Policy Area.

It is the intent of this Plan to recognize the value of existing Extended COMMERCIAL areas, their potential and special impacts. Within this category are:

- *Ribbon COMMERCIAL areas, which are similar in function, but are generally smaller in scale and more reliant on pedestrian trade; and,*
- *Highway COMMERCIAL areas primarily oriented to the travelling public and automobile borne traffic and thus dependent upon a location on a major road providing ready exposure and ease of access.*

The Plan promotes the infilling and consolidation of these areas so as to restrict unnecessary extension or enlargement.

Additionally, policy direction is provided regarding such matters as COMMERCIAL- related parking, mixed COMMERCIAL/Residential developments, Local Commercial, and Automobile Service Stations.

2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

- a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated; (O.P.A. No. 27)
- b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; (O.P.A. No. 27)
- c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and, (O.P.A. No. 27)
- d) satisfy the provisions of Subsections A.2.1 and C.7. (O.P.A. No. 27)

ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan. (O.P.A. No. 27)

2.2.2 Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Central Policy Area (which, as defined by the Regional Official Plan, is intended to function as the "Regional Centre"), to Local Convenience Commercial Uses. Except for the Central Policy Area and Sub-Regional Centres, the hierarchy is not designated on Schedule "A" to this Plan. The location and distribution of such categories will be identified through Neighbourhood Plans as set out in Subsection D.2.

2.2.3 Further, it is intended that the policies for the various categories in the COMMERCIAL hierarchy will provide guidance to Council when considering amendments to this Plan or to the Zoning By-law.

2.2.4 The Central Policy Area will be promoted as the principal retail, business and service centre in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Central Policy Area will be considered to be the preferred location for the major concentration of COMMERCIAL USES in the City and in the Region. Policies for the Central Policy Area are detailed in Subsection A.2.8.

2.2.5 The two Sub-Regional Centres will be promoted as secondary retail, business and service centres in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Sub-Regional Centres will consist of lands in the vicinity of the intersection of Queenston Road and Centennial Parkway and, secondly, within Thorner Neighbourhood east of Upper Wentworth Street and north of the proposed East-West Arterial Road. Council will encourage the location in these centres of relevant district or branch services and offices of business and other levels of government having their main regional offices in the Central Policy Area, and Residential Uses. It is further intended that lands within the area designated in the Regional Official Plan as "Urban Policy Area" surrounding the Sub-Regional Centres will include the following uses complementary to those uses existing within these Centres:

- i) Residential Uses of higher densities;
- ii) Retail Uses, as well as some offices; and,
- iii) Major Institutional Uses, including social, community and health services.

Shopping Centres

2.2.6 The SHOPPING CENTRES category applies to groups of Commercial establishments planned and developed as a unit, and having no less than 1,400 square metres of gross floor area.

2.2.7 In addition to the primary permitted uses as set out in Policy A.2.2.1, the following ancillary uses may be permitted in SHOPPING CENTRES: malls and public concourses, landscaped garden areas, private and public washrooms, parking areas, truck loading and service areas, employee rest areas, as well as mechanical, electrical and maintenance areas. Residential uses may be permitted where they will not restrict or interfere with the function of the primary permitted uses, subject to the General Provisions of this Subsection.

2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

- i) A Sub-Regional SHOPPING CENTRE will have a minimum of 37,000 square metres of gross floor area and function as the focus of a multi-use node as provided for in the Regional Official Plan;
- ii) A District SHOPPING CENTRE will have a gross floor area of 23,000 square metres to a maximum of 37,000 square metres;
- iii) A Community SHOPPING CENTRE will have a gross floor area of 14,000 square metres to a maximum of 23,000 square metres;

- iv) A Neighbourhood SHOPPING CENTRE will have a gross floor area of 2,000 square metres to a maximum of 14,000 square metres; and,
- v) A Convenience SHOPPING CENTRE will have a maximum gross floor area of 2,000 square metres. (O.P.A. No. 7)

2.2.9 It is the intent of Council that new, extended or enlarged SHOPPING CENTRES proposed on lands not designated Commercial in this or other plans of the City, will not jeopardize the viability of other existing or approved retail centres in the City. In this regard, where a proposal would result in a SHOPPING CENTRE larger than 14,000 square metres of gross floor area, Council will require the completion of a market study by the proponent which indicates that such viability is not endangered, prior to any approval. Such market studies will contain:

- i) An assessment of present and future population to be served by the proposed development, including a full explanation of the sources, techniques and assumptions used in arriving at any population forecast;
- ii) A full explanation as to any other forecasts or assumptions used in determining retail requirements within the City of Hamilton;
- iii) The amount, mix, location and phasing of proposed retail space;
- iv) An evaluation of the primary and secondary trade areas of the proposed development, including any assumptions used and an explanation of the characteristics of the population to be served, as may be relevant to the proposal;
- v) An assessment of the potential impacts on the trade areas of other retail centres, including an explanation of any methodology used; and,
- vi) Evidence that the proposal will not jeopardize the viability of the Central Policy Area in order that the intent to promote this as the principal retail centre in the Region will not be undermined.

2.2.10 Any proposal for a new SHOPPING CENTRE or expansion of an existing SHOPPING CENTRE resulting in a gross leasable retail/commercial floor space of greater than 23,000 square metres must receive approval by Regional Council.

2.2.11 Adjunct to such an analysis and prior to any consideration for approval, Council will be satisfied that the proponent has demonstrated that:

- i) Traffic volumes and movements can be safely handled by the existing or proposed Circulation and Movement System as set out in Subsection B.3;

- ii) Adequate provision can be made to accommodate access by public transit, in keeping with the provisions of Subsection B.3.2, Public Transit;
- iii) Existing or proposed utilities are adequate to serve the development; and,
- iv) Any deficiencies in the above can be adequately resolved by the proponent.

2.2.12 Council will not consider for approval any proposal for a SHOPPING CENTRE which is not situated on an Arterial Road.

2.2.13 Where feasible, Council will give preference to SHOPPING CENTRES proposed to be located in Extended Commercial areas where such CENTRES serve to infill or consolidate existing Commercial development.

Extended Commercial

2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.

2.2.16 While it is intended that any Commercial use be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic consumers, automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar large scale Highway Commercial uses.

- 2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the General Provisions of this Subsection.
- 2.2.18 Limited Light Industrial uses may be permitted in association with, and on-site of, a permitted Commercial use, subject to Council being satisfied that:
- i) The Commercial activity is the primary use;
 - ii) The retail use caters to the general public and is not primarily reliant on other industrial or wholesale trade;
 - iii) Adequate provisions are made for loading facilities, subject to the policies set out in Subsection B.3.3;
 - iv) Adequate services are available to the site;
 - v) The use is not noxious by virtue of noise, heat, glare, dust, vibration or other emissions; and,
 - vi) The use does not interfere with the attractiveness or viability of the area for the primary permitted uses.
- 2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.
- 2.2.20 Council will encourage the Region to undertake such roadway improvements as street widenings, channelization, centre left-turn lanes, signalization or any other appropriate measures to improve traffic circulation in EXTENDED COMMERCIAL areas.
- 2.2.21 All outdoor storage areas will be fenced or suitably screened from adjacent Residential Uses. Council may permit the temporary storage of materials without screening for display or promotional purposes only, provided vehicular movement is not endangered, and that all parking requirements can be met.
- 2.2.22 Council will endeavour to maintain or improve the visual amenity and general attractiveness of EXTENDED COMMERCIAL areas, and, in so doing, will:
- i) Encourage the restoration, rehabilitation or repair of existing storefronts and facades to complement the scale, design and character of other Commercial developments in the area;

- ii) Encourage the relocation of non-Commercial uses which interrupt the continuity of business frontage, and their replacement with permitted Commercial Uses to maximize the retail concentration;
- iii) Regulate building setbacks to develop and maintain continuity and harmony with adjacent Commercial Uses;
- iv) Consider the increase in building setbacks where substantial redevelopment is proposed, to permit wider sidewalks, appropriate landscaping and street furniture to encourage pedestrian movement and improve the shopping environment;
- v) Ensure in the preparation of Neighbourhood Plans that provision is made for sufficient Residential development to sustain viable Ribbon Commercial areas; and,
- vi) Support the organization of local business interests to work toward achieving the policies of this Plan. Council may cooperate with business associations in carrying out special studies to examine land use problems and identify feasible solutions, as well as in any other manner which serves to implement the policies of this Plan.

2.2.23 Off-street parking and loading will be required within predominantly Highway Commercial areas, and will be provided by the developers or owners of Commercial development. Council may consider supplying municipal parking areas, if deemed to be required, where they will serve both EXTENDED COMMERCIAL development and other retail concentrations in close proximity to each other.

2.2.24 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all other EXTENDED COMMERCIAL areas where existing parking problems are identified. Such parking facilities will be:

- i) Readily accessible from the main thoroughfare serving the EXTENDED COMMERCIAL area, including via side-streets off the main thoroughfare; and,
- ii) Preferably to the rear of the EXTENDED COMMERCIAL development where their use will not adversely impact the amenity of adjacent Residential areas, subject to the General Provisions herein.

Local Commercial

2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access. (O.P.A. No. 5)

- 2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services. (O.P.A. No. 46)
- 2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans.
- 2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas.

Other Commercial Uses

- 2.2.29 Any structure containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions: (O.P.A. No. 27)
- i) Amenity spaces will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the COMMERCIAL component;
 - ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;
 - iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,
 - iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given. (O.P.A. No. 46)

2.2.30 AUTOMOBILE SERVICE STATIONS will mean land or buildings where oil and gasoline are kept for sale, and where minor automotive repairs may be carried out. In considering proposals for new AUTOMOBILE SERVICE STATIONS, Council will require that the following provisions are complied with in all respects:

- i) The preferred location for an AUTOMOBILE SERVICE STATION will be adjacent to the intersections of major roads and, in the case of Shopping Centres, the structure will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,
- ii) An AUTOMOBILE SERVICE STATION will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of its location and operation. (O.P.A. No. 46)

2.2.31 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

- i) The establishment of building separation distance and yard requirements;
- ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
- iii) Paved surface requirements for all non-landscaped areas;
- iv) The restriction of outside storage, other than automobiles;
- v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,
- vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses. (O.P.A. No. 46)

2.2.32 To enhance the quality of any COMMERCIAL/RESIDENTIAL development, Council may, where deemed appropriate, permit additional Residential density where the proponent provides landscaped areas in excess of the Zoning By-law provisions, in accordance with Subsection D.3 of this Plan. (O.P.A. No. 15 and No. 46)

General Provisions

2.2.33 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses. (O.P.A. No. 46)

- 2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses. (O.P.A. No.46)
- 2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area. (O.P.A. No. 46)
- 2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices. (O.P.A. No. 46)
- 2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use. (O.P.A. No. 46)
- 2.2.38 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands. (O.P.A. No. 46)
- 2.2.39 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses. (O.P.A. No. 46)

Subsection A.2.3 - Industrial Uses

It is the general intent of this Plan to ensure that Hamilton's position as a major INDUSTRIAL centre in the Region and in the Province is maintained and enhanced through the retention of existing industries and through the stimulation of new INDUSTRIAL growth.

Accordingly, the Plan recognizes the existing inventory of INDUSTRIAL USES and identifies a reserve of lands suitable for the expansion of existing industry and for the attraction of new firms. It is also the intent of this Plan to safeguard the integrity of land uses adjacent to INDUSTRIAL areas through appropriate measures.

Further, this Plan identifies a number of INDUSTRIAL categories. Existing Heavy INDUSTRIAL areas in the City, the impacts that they have, and the need to promote the improvement of the appearance and amenity of these areas, are recognized.

General INDUSTRIAL areas may contain a variety of INDUSTRIAL USES which do not inherently impact adjacent uses.

Further, the Plan promotes Light INDUSTRIAL areas and recognizes their benefits to the City in view of their minimal environmental impacts.

In addition, policy direction is provided regarding such matters as INDUSTRIAL related parking and mixed INDUSTRIAL/Residential development.

2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
- iii) Uses which have characteristics or functional requirements similar to Industries;
- iv) Residences for maintenance staff of a principal use;
- v) Research and development facilities;

- vi) Public and private transportation terminals, highway and road related services (e.g., automobile service stations); and,
- vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

2.3.2 Council recognizes the varied nature of Industry in the City. Therefore, the policies of this Plan are intended to apply to a hierarchy of INDUSTRIAL categories. The hierarchy is not specifically designated on Schedule "A". However, some elements of the hierarchy are shown on Schedule "B" as Special Policy Area 11 and as set out in Subsection A.2.9.3. The location and distribution of additional categories will be identified through Neighbourhood Plans.

2.3.3 Further, it is intended that the policies for the various categories in the INDUSTRIAL hierarchy will provide guidance to Council when considering amendments to this Plan or to the Zoning By-law.

Heavy Industrial

2.3.4 The HEAVY INDUSTRIAL category applies to Industrial Uses which, by virtue of site utilization or operation, are intensive.

2.3.5 The primary uses permitted in this category will include, but not be limited to: primary metal; wood and paper products; non-metallic mineral products; and chemical products production and processing and any other uses which may have substantial impacts on adjacent uses.

2.3.6 In addition to the ancillary uses that may be permitted in Industrial areas as set out in Policy A.2.3.1 above, the following uses may be permitted in the HEAVY INDUSTRIAL category: the open air bulk storage of minerals which are free from the emission of dust, odours or fumes; the storage of cars and/or machinery; the storage of pig iron in the open or in enclosed sheds, structural steel and/or manufactured or semi- finished metal products.

2.3.7 Council will not permit the development of new major Residential development within four hundred (400) metres of HEAVY INDUSTRIAL areas except as provided for in Policy 2.3.1 (iv) above.

2.3.8 Council will ensure that non-Industrial land uses abutting HEAVY INDUSTRIAL areas are protected from adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.

General Industrial

- 2.3.9 The GENERAL INDUSTRIAL category applies to a wide range of Industrial Uses which, by virtue of site utilization or operation, are not intensive.
- 2.3.10 The primary uses permitted in this category will include, but not be limited to: the processing of vegetable, animal, textile, wood or paper products.
- 2.3.11 In addition to the ancillary uses that may be permitted in Industrial areas as set out in Policy A.2.3.1 above, the open or enclosed storage of manufactured or semi-finished products which are free from the emissions of dust, odours or fumes may be permitted in the GENERAL INDUSTRIAL category.
- 2.3.12 Council will ensure that non-Industrial land uses abutting GENERAL INDUSTRIAL areas are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.

Light Industrial

- 2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
- 2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- 2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy A.2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category.
- 2.3.16 All new developments in the LIGHT INDUSTRIAL category will be subject to site plan control as provided by The Planning Act.
- 2.3.17 Council will encourage all new developments in LIGHT INDUSTRIAL precincts to adhere to good architectural quality in building design.

- 2.3.18 Council will ensure that non-Industrial land uses abutting LIGHT INDUSTRIAL precincts are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.
- 2.3.19 In the LIGHT INDUSTRIAL precinct known as the East Mountain Industrial Park, those ancillary uses permitted within INDUSTRIAL areas as set out in Policy A.2.3.1 (ii) will be restricted to areas abutting major roads. The detailed location of these uses will be identified in the Neighbourhood Plan. In addition, the following provisions will apply:
- i) Industrial buildings or processes will not be permitted within ninety (90) metres of any structure on properties used solely for Residential purposes within the Industrial land use designation; and,
 - ii) Cemeteries existing in 1970 will be permitted to remain in perpetuity. (O.P.A. No. 27)
- 2.3.20 Prior to the development of a new LIGHT INDUSTRIAL precinct, Council will require that a detailed planning investigation be undertaken to determine the most appropriate land use pattern and design guidelines in order that the development potentials of the area may be fully realized. Accordingly, a Neighbourhood Plan will be required, subject to the policies of Subsection D.2 and, if warranted, an amendment to this Plan.
- 2.3.21 LIGHT INDUSTRIAL development may be permitted in areas abutting Residential Uses, provided that:
- i) Adequate buffering is provided between the two uses by such means as adequate separations, landscaping, barriers and plantings;
 - ii) Appropriate site plan controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and
 - iii) The impacts of LIGHT INDUSTRIAL USES on the surrounding area in terms of traffic flows, building forms and relationships to neighbouring buildings or uses are acceptable.
- 2.3.22 In amending the Plan to permit a change in use from Residential to LIGHT INDUSTRIAL or LIGHT INDUSTRIAL to Residential in areas where a mix of Residential and Industrial is permissible in the short-term, Council will consider the following in the preparation of appropriate by-laws:
- i) Recommendations of any future residential enclave studies;
 - ii) The advisability of retaining existing buildings or uses in terms of their architectural or historical merit, or employment opportunities;

- iii) The extent to which a change in use would adversely affect the continued compatibility of neighbouring uses; and,
- iv) The provisions of appropriate Provincial legislation, either governing the issuance of Certificates of Approval for LIGHT INDUSTRIAL USES or in any other manner regulating the standards of LIGHT INDUSTRIAL performance.

General Provisions

- 2.3.23 New INDUSTRIAL USES may be permitted in areas designated INDUSTRIAL, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulates, water quality control and waste control, including the quality of discharge and run-off.
- 2.3.24 Site plan control may be applied to any INDUSTRIAL development. However, it will be required for all INDUSTRIAL developments abutting lands designated Open Space and Hazard Lands, in addition to all Light INDUSTRIAL developments.
- 2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3.
- 2.3.26 INDUSTRIAL USES that are proposed to be developed adjacent to existing INDUSTRIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- 2.3.27 Traffic generated by INDUSTRIAL USES will be prohibited from penetrating designated Residential areas.
- 2.3.28 Signs in INDUSTRIAL areas will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- 2.3.29 In order to enhance the viability of INDUSTRIAL areas, Council, where feasible and deemed appropriate, may encourage and assist the appropriate authorities to establish and/or maintain the accessibility of INDUSTRIAL areas through the provision of highways, arterial roads, rail, and public transit services.

- 2.3.30 Council will encourage the Region to promote INDUSTRIAL areas in the City.
- 2.3.31 Council may encourage and, where feasible, assist in the relocation of uses not permitted in areas designated for INDUSTRY and in the relocation of existing industries located outside of INDUSTRIAL designated areas into such areas.
- 2.3.32 Council may encourage and, where feasible, assist in programs for the improvement of the appearance and amenity of INDUSTRIAL areas.
- 2.3.33 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, Neighbourhood Plans may be prepared, as set out in Subsection D.2, to identify potentially viable Residential areas, INDUSTRIAL areas and areas where a mix of Residential and INDUSTRIAL USES may be tolerated in the short-term. Council's long term planning objective will be for the removal of Residential Uses from established INDUSTRIAL USE areas.
- 2.3.34 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, new INDUSTRIAL buildings may be permitted if adequate separations between uses, buffering, barriers and special construction techniques are provided to minimize conflicts between the land uses to the satisfaction of Council. Further, within these areas, Council may permit the establishment of a selective range of new INDUSTRIAL USES to be defined in the implementing Zoning By-law.
- 2.3.35 In areas where it is recognized that an existing mix of Residential and INDUSTRIAL USES may be tolerated, Council will permit:
- i) Only those INDUSTRIAL extensions or enlargements that do not generate adverse environmental impacts or traffic congestion;
 - ii) Only those ancillary uses such as, but not limited to, retail uses that do not generate adverse environmental impacts or traffic congestion; and,
 - iii) Outdoor storage, open space and off-street parking.
- 2.3.36 Existing buildings containing a mix of INDUSTRIAL, Residential and/or Commercial Uses may be recognized in the Zoning By-law, provided that Council is satisfied that:
- i) Employee and customer parking space for the INDUSTRIAL USE is physically separated from such space provided for a Residential Use;
 - ii) Amenity spaces are provided exclusively for the Residential Use which are physically separated from public areas associated with the non-Residential component;

- iii) Existing engineering services and school facilities are, or may feasibly be made to be, adequate to serve any residents thereof; and,
- iv) Impacts emanating from the INDUSTRIAL USE which may detract from the amenity of the Residential and/or Commercial Uses have been minimized.

2.3.37 Where practicable, Council will encourage the efficient use of INDUSTRIAL lands associated with the waterfront. In this regard, it is the intent of Council that any lands as may be created by landfill from Pier 17 to the western side of Pier 23 in Hamilton Harbour, which are exempted from Ontario Regulation 118/70, as amended, excluding Windermere Basin, be utilized for INDUSTRIAL purposes.

Subsection A.2.4 - Open Space

It is the intent of this Plan to encourage a high-quality urban environment through the optimum use of natural resources. It is also the intention of this Plan to preserve and conserve scenic OPEN SPACE, ecologically-significant natural features, lands that may be endangered by various hazards, and other attributes of the natural landscape.

- 2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).
- 2.4.2 The following ancillary uses may be permitted in OPEN SPACE areas: Limited Commercial uses which are ancillary to and support the primary OPEN SPACE Use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area.
- 2.4.3 OPEN SPACE will be acquired through land dedication or cash-in-lieu, as provided for in The Planning Act, by means of funds through the Five-Year Capital Budget, and as further set out in Subsection D.5.
- 2.4.4 Council will co-operate with the Ministry of Natural Resources, and the Conservation Authorities having jurisdiction to ensure the preservation and maintenance of Crown lands and waters and Conservation Authority lands for water management purposes where appropriate, and for other uses compatible with the natural environment including recreation and wildlife management as well as controlled education and scientific activities.
- 2.4.5 Where lands designated OPEN SPACE are in private ownership and application is made requesting a change in land use, due consideration will be given by Council to the most desirable use.
- 2.4.6 Council will discourage the dumping and/or filling of materials into water bodies which, due to the deleterious quality of materials, may impair the quality of the water. In addition, Council will co-operate with appropriate Federal and Provincial ministries and agencies having jurisdiction over the dumping or removal of materials in, or adjacent to, water bodies.

- 2.4.7 Council will ensure that recreational oriented development within areas designated as OPEN SPACE will be designed so as to complement the natural environment.
- 2.4.8 Where land designated OPEN SPACE is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this Plan be construed as implying that these areas are free and open to the general public or will be purchased by the Municipality or any other public agency.
- 2.4.9 In areas designated OPEN SPACE in the vicinity of Hamilton Harbour, Council, where feasible and desirable, will:
- i) Recognize recreation as a significant re-emerging use of the Harbour;
 - ii) Establish or acquire the western harbour for predominantly OPEN SPACE and recreation purposes;
 - iii) Ensure that establishment of marina facilities will be in areas with sufficient access, back-up space, proximity to suitable waters, and which require a minimum of landfill;
 - iv) Co-operate with the Hamilton Harbour Commissioners, Hamilton and Halton Regional Conservation Authorities, Provincial Ministries, the City of Burlington and others, in their efforts to establish recreational facilities and a functional OPEN SPACE network and to establish the carrying capacity of the Harbour for additional marina facilities;
 - v) Acquire or establish access corridors and/or scenic linear easements to ensure public access to the Harbour; and,
 - vi) Have regard for the provisions of Subsection A.2.5 (Open Water), in addition to the provisions of Special Policy Areas 2, 5 and 10, as set out in Subsection A.2.9.

Subsection A.2.5 - Open Water

It is the intent of this Plan that existing water bodies within the City should be preserved in their natural state. These bodies, most significantly Cootes Paradise and Hamilton Harbour, perform, and should continue to perform, valuable aesthetic, ecological and economic functions. Hence, limitations on fill and alteration are required to ensure the protection and maintenance of these waters.

2.5.1 The primary uses permitted in areas designated on Schedule "A" as OPEN WATER will be for shipping, navigation and boating. It is the policy of Council that these areas, which are subject to Ontario Regulation 118/70, as amended, and administered by the Hamilton Region Conservation Authority will remain covered by water and will not be filled, reclaimed, or otherwise altered.

2.5.2 Notwithstanding the designation of parts of Cootes Paradise as OPEN WATER and subject to Policy A.2.9.2 and Subsection A.3.2; the preferable uses of Cootes Paradise are for aesthetic, ecological, and scientific activities.

Deferral No. 6
Under Section 14(3)
of the Planning Act

Subsection A.2.6 - Major Institutional Uses

It is the intent of this Plan to recognize MAJOR INSTITUTIONAL USES under the jurisdiction of a local board or public and private agencies as valuable community assets.

Recognizing the difficulty of predicting the advent of new MAJOR INSTITUTIONAL USES, no attempt is made in this Plan to identify the future location of these uses, unless otherwise known. However, to enhance their value to the community, general policy direction is provided to guide local boards, and public and private agencies in the location of new establishments when specific proposals come forth. (O.P.A. No. 27)

- 2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1. (O.P.A. No. 27)

- 2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area; and,
- iii) Adequate provision has been made for access by the physically disabled and senior citizens.

- 2.6.3 All MAJOR INSTITUTIONAL USES, except public and separate schools, will be permitted to locate in Commercial areas or may be permitted in an area where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable.

- 2.6.4 Notwithstanding the policies set out above, the development of any new MAJOR INSTITUTIONAL USE on a site of .4 hectare or greater will only be permitted by means of an amendment to this Plan and to the implementing Zoning By-law.
- 2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area. (O.P.A. No. 5)

Subsection A.2.7 - Utility Uses

It is the general intent of this Plan to ensure that UTILITY USES are developed in an orderly manner consistent with the present and future needs of the City. The planning, design and development of the UTILITY USES will complement the intent of policies for other land uses.

2.7.1 The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals; freight handling facilities and related storage; railway, warehousing and associated parking areas; electric power facilities; pipelines and natural gas lines; and major road facilities. Recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are prioritized and where their location is known have been identified. (O.P.A. No. 46)

2.7.2 Notwithstanding the permitted uses in Policy A.2.7.1 above, the following uses will be permitted on Piers 10 to 14 and Piers 25 to 27 inclusive: shipping terminals; marine freight; passenger handling facilities; related storage, vessel and barge docks; and marine related industry or commerce that demonstrates operational need for proximity and access to the Harbour.

2.7.3 In accordance with the Regional Official Plan, Council will co-operate with the Region to ensure the provision of adequate access to all areas of the City and, in this regard, will be further guided by the Circulation and Movement policies set out in Subsection B.3.

2.7.4 UTILITIES will be developed to carefully integrate with the general character of the surrounding uses through the provision of landscaping, screening and buffering, siting of structures, height control, and any other measures as may be deemed to be appropriate by Council.

2.7.5 Notwithstanding the permitted uses in Policy A.2.7.1 above, additional uses may be permitted on Ontario Hydro lands, where deemed by Council to be compatible with adjacent land uses, by agreement with Ontario Hydro, and subject to the preparation of a Neighbourhood Plan for the affected lands.

Deferral No.8
Under Section 14(3)
of the Planning Act

Subsection A.2.8 - Central Policy Area

In keeping with the intent of the Regional Official Plan, it is intended that the CENTRAL POLICY AREA function as the Regional Centre to serve the residents of Hamilton-Wentworth. Accordingly, it is the intent of the Plan that this unique AREA be promoted as a multi-use node with emphasis on the concentration of those uses of specialized and/or Region-wide appeal. To enhance the multi-use function of this AREA, the Plan promotes the creation of an attractive environment in which to live, work, do business, shop or visit. In so doing, the Plan identifies measures to achieve a desirable mix of land uses, a high order of amenity and design, the proper integration of a wide range of activities, and the effective and safe movement of vehicles and pedestrians. It is further intended that these measures will be amplified and detailed through a Neighbourhood Plan.

2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;
- ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;
- iii) Light Industrial Uses such as warehousing, manufacturing, laboratories, research facilities, printing and communication facilities and related uses, in keeping with the Industrial policies set out in Subsection A.2.3 of this Plan and subject to the accompanying policies contained hereafter on compatibility;
- iv) Open Space Uses such as, but not limited to, parks, public or private recreational facilities, arena, stadia and pathways, and in keeping with the Open Space policies set out in Subsection A.2.4 of this Plan; and,
- v) Major Institutional Uses such as, but not limited to, cultural facilities, health, welfare, educational, religious and governmental activities and related uses, and in keeping with the Major Institutional policies set out in Subsection A.2.6 of this Plan.

2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.

2.8.3 To strengthen the role of the CENTRAL POLICY AREA as the primary commercial centre in the Region, it is intended that:

- i) The CENTRAL POLICY AREA will be the preferred location for major Commercial establishments in the Region;
- ii) Subject to the Commercial policies set out in Subsection A.2.2 of this Plan, Council will give preference to proposals for Commercial development beyond the CENTRAL POLICY AREA which do not jeopardize the role of this AREA as the primary Commercial centre in the City and Region;
- iii) Major new retail and office uses will be promoted along King Street East in the vicinity of Catherine, Ferguson and Wellington Streets to create identifiable and varied Commercial concentrations; and,
- iv) Other new retail and office uses will be encouraged to locate within the existing Commercial areas along James Street North and South, King Street East, and within Hess Village and Jackson Square, to enhance the established retail character of these areas.

2.8.4 To create employment opportunities within the CENTRAL POLICY AREA, and to utilize various sites and buildings suitable for Light Industrial Use, while ensuring compatibility with adjacent uses, it is intended that:

- i) Council will, with the co-operation of the Region, establish parameters and/or performance standards to determine the compatibility of Industrial Uses, having regard for, but not being limited to, the following:
 - a) the intensity of the existing or proposed Industrial Use;
 - b) architectural and landscaping measures to ensure visual integration with adjacent uses;
 - c) abatement measures to mitigate impacts that may be generated by the Industrial Uses; and,
 - d) accessibility to the site, parking, loading and traffic generated by the use;
- ii) Where Council is satisfied that an Industrial Use is compatible, the use will be recognized accordingly by the implementing Zoning By-law;
- iii) Council will, with the co-operation of the Region, determine appropriate measures to attract suitable Industrial Uses in the CENTRAL POLICY AREA; and,
- iv) Those Industrial Uses which, by operation and/or site utilization, conflict with or disturb the surrounding uses will be encouraged to relocate to more appropriate locations.

- 2.8.5 Council will promote the development and/or expansion of Open Spaces and recreation facilities which complement surrounding development to create a more attractive environment within the CENTRAL POLICY AREA. Council will give preference to the provisions of such amenities in those areas where deficiencies have been identified through the preparation of a detailed Neighbourhood Plan.
- 2.8.6 To enhance the role of the CENTRAL POLICY AREA as a focus for Major Institutional and cultural facilities, Council will co-operate with, and encourage, the appropriate operating agencies to:
- i) Locate new Major Institutional Uses on sites adjacent to existing Major Institutional or Commercial Uses where it is feasible to achieve the sharing of common facilities such as, but not limited to, parking;
 - ii) Locate, promote, and/or expand tourist facilities within the CENTRAL POLICY AREA; and,
 - iii) Establish, maintain, and/or expand such service facilities as, but not limited to, day-care or health centres to serve both the resident and employment populations.
- 2.8.7 To facilitate the function of and the primary permitted uses in the CENTRAL POLICY AREA, Council will investigate to determine the most effective means of accommodating pedestrian and vehicular circulation and general accessibility to and within the AREA. In this regard, Council may give preference to pedestrian movement over vehicular circulation in specific areas. Accordingly, the investigation will consider, but not be limited to, the following:
- i) The segregation of vehicular and pedestrian traffic by such means as grade separation of pedestrian and vehicular traffic along and across major roads;
 - ii) The feasibility of creating pedestrian malls and a network of walkways between and within Commercial areas or concentrations;
 - iii) Appropriate public transit routing and the integration of conventional and innovative transit facilities;
 - iv) The appropriate location of a terminus for local and inter-city transit service, which is properly integrated with major land uses in the AREA;
 - v) The re-routing of local and through traffic, including a facility to redirect truck traffic oriented to the bayfront Industrial area;
 - vi) The designation of truck routes;
 - vii) The provision and location of appropriate parking facilities;

viii) The extension of truck loading facilities below grade, and the sharing of common loading facilities for various adjacent developments where loading at street level can be eliminated or limited; and,

ix) The operating hours of public and private enterprises in the CENTRAL POLICY AREA.

2.8.8 To encourage the use of Public Transit and reduce the potential use of private automobiles in the CENTRAL POLICY AREA, Council may discourage the use of public Parking facilities for long-term commuter Parking in the AREA.

2.8.9 It is the intent of Council that the character and function of the CENTRAL POLICY AREA be enhanced. Specifically, Council will:

- i) Promote, where feasible, innovative building and layout, as well as the rehabilitation and preservation of buildings and areas of historic and/or architectural merit;
- ii) Establish building envelopes consisting of setback, height and light angles adequate to ensure acceptable shadow cast to, and light access for, adjacent properties;
- iii) Investigate and adopt measures to regulate building heights and/or institute any other appropriate measure to preserve views of the Escarpment from the CENTRAL POLICY AREA;
- iv) Promote and co-operate with individual property owners to undertake improvements in conjunction with the Property and Maintenance provisions as set out in Subsection C.5 of this Plan, with specific attention to improvement to the rear yards of individual properties, especially loading bays, garbage storage, general clean-up and, where required, fencing; and improvements to the store fronts, with attention to the compatibility of signs;
- v) Encourage proponents of development or redevelopment, including the infilling of vacant lots, to ensure sensitive integration of the proposal with the scale and character of adjacent structures. Accordingly, Council will encourage the compatibility of building height, setback, material and building lines with adjacent structures; and,
- vi) Endeavour to improve the streetscape in the CENTRAL POLICY AREA and, accordingly, will consider such actions as, but not limited to, the following:
 - a) improvements to pedestrian and street lighting;
 - b) provisions and maintenance of street furniture, rest areas, kiosks, information booths, landscaping and tree planting; and,
 - c) regulation of signage.

- vii) Permit additional Residential density where the proponent provides landscaped areas in excess of the Zoning By-law provisions to enhance the quality of a high density Residential and Commercial/Residential development in the CENTRAL POLICY AREA, in accordance with Subsection D.3 of this Plan. (O.P.A. No. 15)

Subsection A.2.9 - Special Policy Areas

For a number of reasons, additional policies are required beyond, and, in some cases, notwithstanding, those articulated throughout Section "A" of the Plan. For example, it is necessary to recognize the paramountcy of Provincial policies affecting the Niagara Escarpment and the Parkway Belt West. In certain locations, notwithstanding the indicated land use designations and associated policies, various concerns of Council will be reflected through additional policy statements having only limited application within the City of Hamilton. All such SPECIAL POLICY AREAS are indicated on Schedules "B" and/or "B-1".

Subsection A.2.9.1 - Niagara Escarpment

It is the intent of this Plan to protect and preserve the valuable attributes of the NIAGARA ESCARPMENT throughout the City, to recognize the potential of so doing through the actions of the NIAGARA ESCARPMENT Commission, and to conform with the policies of the NIAGARA ESCARPMENT Plan.

2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- i) It is intended that Area '1a' be maintained undisturbed in a natural setting primarily for compatible recreation and conservation activities. Accordingly, the permitted uses will include existing uses; recreation relating to trail activities, nature appreciation and parks; forest and wildlife management; archeological activities; essential transportation and utility facilities; and accessory facilities necessary to support the permitted uses and site modifications required to accommodate them; and,
- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.

2.9.1.2 It is intended that development within Area '1b' will be subject to Site Plan Control. In the interim, the issuance of development permits from the NIAGARA ESCARPMENT Commission will be required until that time when the City is delegated this responsibility.

2.9.1.3 Council will co-operate with the NIAGARA ESCARPMENT Commission in the production of guide plans and/or management programs for the ESCARPMENT to preserve, improve and stabilize its amenities.

2.9.1.4 Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or base of the ESCARPMENT or lands in the immediate vicinity.

2.9.1.5 Council may investigate and support the provision of walkways along and across the ESCARPMENT in order to permit pedestrian access between the lower and upper City.

- 2.9.1.6 Council will encourage the responsible Authorities to undertake appropriate measures to preserve the integrity of the remaining natural areas of the ESCARPMENT.

Subsection A.2.9.2 - Parkway Belt West

It is the intent of this Plan to protect, preserve and otherwise conform to Provincial policy for those lands within the PARKWAY BELT WEST.

- 2.9.2.1 Those lands shown on Schedule "B" as SPECIAL POLICY AREA 2 lie within the PARKWAY BELT WEST established by Ontario Regulation 472/73 as amended, and are subject to the PARKWAY BELT WEST Plan approved by Order-in-Council 2188/78.
- 2.9.2.2 To conform to the provisions of the PARKWAY BELT WEST Plan, it is the intent of this Plan that the Open Space and Open Water designations and related policies be utilized as indicated on Schedule "A". In addition, parts of the PARKWAY BELT WEST lie within the Hazard Lands shown on Schedule "C" and Environmentally Sensitive Areas shown on Schedule "D". In case of any discrepancy between the PARKWAY BELT WEST Plan and the remainder of this Plan, the provisions of the PARKWAY BELT WEST Plan will prevail.
- 2.9.2.3 It is the intent of Council that complementary policies be provided in this Plan, related to the Open Waters of Cootes Paradise and Hamilton Harbour, to supplement the PARKWAY BELT WEST Plan.
- 2.9.2.4 Council will encourage and co-operate with the appropriate Authorities in the production and implementation of plans and/or programs to preserve, improve and stabilize the attributes of lands within this SPECIAL POLICY AREA.

Subsection A.2.9.3 - Other Policy Areas

Due to specific circumstances affecting certain areas throughout the City, it is deemed appropriate that more detailed policy guidance be provided for these cases above and beyond, or notwithstanding, the other land use provisions of this Plan. It is thus the intent of Council to identify SPECIAL POLICY AREAS, as indicated on Schedules "B" and "B-1", and to apply appropriate policies to these AREAS to recognize and accommodate these circumstances.

- 2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii); (O.P.A. No. 27)
- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
 - ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
 - iii) Council will encourage the relocation of non-Residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows;
 - iv) To create an attractive living environment close to downtown, Council will encourage the appropriate provision, location, scale and design of community and neighbourhood facilities, parks, health services, schools, day care and related uses to satisfy present, and anticipated future, requirements;
 - v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;
 - vi) Council will require, when considering a proposed high-density Residential development or redevelopment in this AREA, the provision of the maximum useable open space on-site;

- vii) Council will encourage high-density Residential developments or redevelopments which utilize innovative design alternatives to the "high-rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping;
- viii) Council will encourage mixed Commercial/Residential developments or redevelopments within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2; (O.P.A. No. 27)
- ix) It is the intent of Council to encourage property owners to rehabilitate deteriorating housing, where feasible, through the available provincial and federal assistance programs;
- x) To ensure protection of the Residential amenity and living environment, Council will endeavour to reroute through traffic away from Residential areas. Any efforts in this regard will be made in conjunction with any related traffic system investigations for the Central Policy Area;
- xi) Priority should be given to providing a network of parks and pathways, throughout this AREA and linking the Central Policy Area, to give pedestrians and cyclists a convenient way to move about; and,
- xii) To enhance the quality of a high density Residential and Commercial/Residential development, Council may, where deemed appropriate, permit additional Residential density, where the proponent provides landscaped areas in excess of the Zoning By-law provisions, in accordance with Subsection D.3 of the Plan. (O.P.A. No. 15)

2.9.3.2 The Windermere Basin, which is indicated on Schedule "A" and is shown as SPECIAL POLICY AREA 4 on Schedule "B", is established as an area subject to detailed special study by the appropriate agencies and water-lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan.

2.9.3.3 The following policies will apply within the area shown on Schedule "B" as SPECIAL POLICY AREA 5:

- i) In addition to the permitted uses for Open Space as set out in Subsection A.2.4, for those lands within SPECIAL POLICY AREA 5, the following water oriented uses will be permitted and encouraged: marinas; related clubhouses; maintenance, repair and storage facilities; commercial uses such as, but not limited to, seafood restaurants, cafes; selected goods shops or other small-scale Commercial uses that serve to architecturally enhance, and encourage public attraction to, the waterfront area;

- ii) Council may require from a developer who proposes development, in whole or part of the AREA, the submission of a Design Plan for the entire SPECIAL POLICY AREA which incorporates the uses permitted above. In addition, the said Design Plan will:
 - a) incorporate public space as an integral and major element in the overall layout of the AREA;
 - b) provide for a clearly articulated vehicular movement system;
 - c) provide for a continuous pedestrian circulation system which will link the various uses within and, where feasible, provide public access to the shoreline;
 - d) incorporate and protect the various natural features of the AREA; and,
 - e) maximize the privacy of residents in adjacent areas;
- iii) Where a Design Plan is required, Council will also require the developer to prepare and submit a Development Report, which will indicate:
 - a) the reasoning behind the proposal;
 - b) the way in which the proponent's lands will be developed and how other lands in the AREA may be developed; and,
 - c) any other details that may be required to show that the proposal is feasible and desirable;
- iv) The developer will be required to submit a Site Plan of the specific development proposed which will indicate the height, bulk and shape of structures, and Open Spaces on-site; the alignment of vehicular and pedestrian pathway circulation systems; and any landscaping treatment that may be required to enhance the general appearance of the development;
- v) Council will regulate building heights within this AREA as may be necessary to protect existing views of Hamilton Harbour from adjacent residential properties;
- vi) The Design Plan for the AREA required in clause ii) above will be adopted by Council only after consultation with area property owners and may be revised from time to time if a development is proposed which does not comply with the latest Design Plan adopted, but is otherwise deemed satisfactory by Council after consultation with area property owners; and,
- vii) The Site Plan for the AREA identified in clause iv) above will be adopted by Council pursuant to the Planning Act only after a Design Plan has been adopted by Council pursuant to clause ii) above, and said Site Plan is deemed to conform with the Design Plan of the AREA.

- 2.9.3.4 Within SPECIAL POLICY AREA 6 indicated on Schedule "B", the development of a Retirement Village-Nursing Home Complex will be permitted, notwithstanding the policies of Subsection B.1. Local Commercial facilities to primarily serve the needs of the Retirement Village residents will also be permitted to a maximum area of .8 hectare, notwithstanding Policy A.2.1.3. In addition, a banquet hall to be used in conjunction with the retirement village, as well as for commercial purposes, will also be permitted.
(O.P.A. No. 8 and No. 22)
- 2.9.3.5 Any multi-family Residential development considered for approval on the south side of Cumberland Avenue west of Gage Avenue, indicated on Schedule "B" as SPECIAL POLICY AREA 7, will be required to be protected from the adverse impacts emanating from nearby Industry, in addition to the provisions of A.2.3 (General Provisions), by such measures as:
- i) The provision of sealed windows throughout;
 - ii) The inclusion of sound attenuating design techniques and materials; and,
 - iii) The provision of air intakes below the 27 metre level in any building on the subject lands.
- 2.9.3.6 Within SPECIAL POLICY AREA 8 indicated on Schedule "B", where dwellings are permitted to front on Wentworth Street, or are adjacent to Industrially designated lands, with the exception of Light Industrial Uses, the following measures will be required to minimize the existing or potential impacts emanating from Industries or traffic:
- i) The use of sound attenuating construction techniques and materials;
 - ii) The orientation of habitable rooms away from the source of the impacts;
 - iii) The joining of dwelling units in a manner which best attenuates noise intrusion into the interior of the SPECIAL POLICY AREA; and,
 - iv) The inclusion of air conditioning to avoid window openings and penetration of noise and polluted air.
- 2.9.3.7 Notwithstanding the permitted uses set out in Subsection A.2.3, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 9, the following policies will apply:
- i) No Industrial buildings or processes, but not including automobile parking associated with adjacent Industrial Uses, will be permitted within sixty (60) metres of any lands zoned for Residential purposes in the Zoning By-law; and,

- ii) Council may require, as a condition of approval for any Industrial development, the provision of a minimum 15-metre-wide bermed and landscaped strip of adequate height and nature to protect adjacent Residential Uses from impacts emanating from the Industrial Use.

2.9.3.8 Council will initiate a study of SPECIAL POLICY AREA 10, as shown on Schedule "B", in conjunction with the Region and the Conservation Authority to formulate a master plan of the AREA for water-oriented and Open Space recreational uses. The proposed study and master plan will consider, but not be limited to, the following:

- i) The deployment of properties acquired to date through the on-going acquisition program;
- ii) The continued acquisition of properties;
- iii) The identification of and deployment of recreation facilities;
- iv) The location of public access points to the lakeshore;
- v) The circulation pattern within the AREA, as well as general access from the City and Region; and,
- vi) The appropriate shoreline protection measures as may be prescribed by the Ministries of Natural Resources and Environment to mitigate flooding, erosion and pollution.

2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 11, Light Industrial Uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the Light Industrial land use category will apply. Notwithstanding, for those lands which are adjacent to SPECIAL POLICY AREA 8, limited expansion to existing dwellings will be permitted without Committee of Adjustment approval.

2.9.3.10 Further to policy A.2.8.7 i), Council will require provision for an elevated pedestrian walkway system (" +15") emanating from Lloyd D. Jackson Square, connecting adjacent future development with the Square. To implement the pedestrian system, it is the intent of Council that:

- i) Links in the system will be constructed when new development occurs to the north, south and west of Lloyd D. Jackson Square, in the area shown as SPECIAL POLICY AREA 12 on Schedule "B-1". The system will be integrated with the transit system;
- ii) Site Plan control will be employed to implement the "+15" pedestrian system for any development or redevelopment to which the system is intended to connect. Provisions will be made for allowances in building design to facilitate the walkways at upper levels and to ensure the integration of the system with ground level pedestrian walkways. Appropriate landscaping measures and other amenity features will also be incorporated;

- iii) The nature of the "+15" pedestrian system will be determined by design guidelines specifying matters to be considered in implementing the system; and,
- iv) The City will enter into any agreements, where deemed appropriate, with development or redevelopment proponents to realize the above guidelines.

- 2.9.3.11 Notwithstanding the permitted uses set out in Subsection A.2.1, for those lands within the area shown on Schedule "B-1" as SPECIAL POLICY AREA 13, and known municipally as Nos. 221 and 223 Mary Street, restricted Industrial/Commercial Uses may be permitted.
- 2.9.3.12 Notwithstanding the permitted uses set out in Subsection A.2.1, for those lands within the area shown on Schedule "B-1" as SPECIAL POLICY AREA 14, and known municipally as Nos. 24 to 60 Sanford Avenue North, limited Light Industrial and Commercial Uses may be permitted.
- 2.9.3.13 Notwithstanding the permitted uses set out in Subsection A.2.1, for those lands within the area shown on Schedule "B-1" as SPECIAL POLICY AREA 15, and known municipally as Nos. 30 to 50 Wentworth Street North and No. 506 Wilson Street, the interim use for parking, storage and maintenance of public transit vehicles may be permitted.
- 2.9.3.14 Notwithstanding the permitted uses, as set out in Subsection A.2.1 (Residential Uses) for those lands shown on Schedule "B" as SPECIAL POLICY AREA 16, and known municipally as 56 Frederick Avenue, limited neighbourhood commercial and professional offices may be permitted only on the ground floor of the existing building. (O.P.A. No. 1)
- 2.9.3.15 Notwithstanding the permitted uses, as set out in Subsection A.2.1 (Residential Uses) for those lands shown on Schedule "B" as SPECIAL POLICY AREA 17, and known municipally as 249 Stone Church Road East, an electronic communications, security installations, and contracting business may be permitted within the existing building. Existing accessory buildings may be permitted for a workshop and storage of parts used in conjunction with the business. All outside storage is prohibited. (O.P.A. No. 3)
- 2.9.3.16 Notwithstanding the permitted uses set out in Subsection A.2.2, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 18, being both sides of Kenilworth Avenue between Britannia Avenue and Barton Street, car lots, automobile service stations, and car repair garages are prohibited. Further, the maximum height of any building or structure is limited to four storeys. (O.P.A. No. 4)

- 2.9.3.17 Within SPECIAL POLICY AREA 19 indicated on Schedule "B" - Special Policy Areas and known municipally as 642 through 672 Upper James Street, excluding 660 Upper James Street, limited commercial uses shall be permitted within the existing buildings, and in the event that the existing buildings are destroyed, it shall be replaced only by buildings with the same external dimensions and floor area. (O.P.A.'s No. 6, No. 34 and No. 44)
- 2.9.3.18 Notwithstanding the permitted uses set out in Subsection A.2.1, RESIDENTIAL USES, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 20, and known municipally as Nos. 1099 and 1101 Cannon Street East, limited commercial uses and the associated manufacture of pasta products may be permitted. (O.P.A. No. 9)
- 2.9.3.19 *SPECIAL POLICY AREA 24 - Keith Zoning Buffer denied by O.M.B. June 5, 1985.*
- 2.9.3.20 Notwithstanding the permitted uses as set out in Subsection A.2.2, COMMERCIAL USES, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 25, and known municipally as 17 to 21 East Avenue South, a seven storey, 30 unit multiple residential building may be permitted. (O.P.A. No. 16)
- 2.9.3.21 Notwithstanding the permitted uses set out in Subsection A.2.3 - INDUSTRIAL USES and Subsection A.2.9.3 - OTHER POLICY AREAS - Policy A.2.9.3.9, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 26 and known municipally as Nos. 220 and 230 Hempstead Drive, auto repair garages will be permitted. (O.P.A. No. 18)
- 2.9.3.22 Notwithstanding the permitted uses as set out in Subsection A.2.1, RESIDENTIAL USES, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 27, and known municipally as 1117 Main Street West, an existing parking area and a pylon sign will be permitted. (O.P.A. No. 19)
- 2.9.3.23 Notwithstanding the permitted uses as set out in Subsection A.2.2. COMMERCIAL USES, for those lands shown on Schedule "B-1", as SPECIAL POLICY AREA 28, and known municipally as 448 Barton Street East, the manufacturing of clothing will be permitted. (O.P.A. No. 21)
- 2.9.3.24 Within SPECIAL POLICY AREA No. 29, shown on Schedule "B" - Special Policy Areas, and known municipally as 638 Upper James Street, limited commercial uses will be permitted in keeping with the external dimensions and floor area of the adjoining development to the south on Upper James Street. (O.P.A. No. 25)

- 2.9.3.25 Within SPECIAL POLICY AREA No. 30, shown on Schedule "B" - Special Policy Areas, and located at the north-west corner of Rymal Road East and Nebo Road, limited commercial uses will be permitted. (O.P.A. No. 26)
- 2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:
- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.
 - ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:
 - a) in AREA "31a" mixed Commercial/Residential uses will be permitted from south of Chipman Avenue/Blossom Lane to Stone Church Road (excluding the car dealership). Such uses will be developed at a height, scale and intensity compatible with the nature of the commercial development along Upper James Street and the existing and anticipated Residential uses in the interior of the Neighbourhoods. The provisions regarding amenity, parking and other similar criteria for mixed Commercial/Residential uses, as provided in Policy A.2.2.36 will apply in the development of these uses.
 - b) in AREA "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18; and,
 - c) in AREAS "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid-block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).
 - iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:
 - a) the location of a mid-block Collector Road between Stone Church Road and Rymal Road;
 - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;

- c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;
 - d) the location of access points between adjacent uses and to the road;
 - e) utilizing shared access and/or parking facilities with adjacent developments; and,
 - f) utilizing service roads, cul-de-sacs or other appropriate means to reduce the number of individual access points.
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
- a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
 - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
 - c) ensuring in AREAS 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting Neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping.
- vi) In accordance with Policy D.2.2, Multi-Centre uses will be permitted in the vicinity of Upper James Street and Stone Church Road. Accordingly, Multi-Centre uses such as, Institutional, recreational and medium density Residential uses will also be permitted in addition to Commercial uses. (O.P.A. No. 28)

2.9.3.27 Within SPECIAL POLICY AREA 32, shown on Schedule "B" - Special Policy Areas, and located at 1188 and 1196 Rymal Road East (south-west corner of Rymal Road and Nebo Road), limited commercial uses will be permitted. (O.P.A. No. 29)

2.9.3.28 Notwithstanding the permitted uses set out in Subsection A.2.2 (Commercial Uses), for those lands shown on Schedule "B" as SPECIAL POLICY AREA 33, high traffic generating commercial and public uses, such as restaurants and other places of assembly, will be prohibited. Further, it is intended that the number of new vehicular accesses onto Upper Wentworth Street from the affected lands will be limited. (O.P.A. No. 31)

However, for those lands known municipally as 849 and 853 Upper Wentworth Street, an automotive centre and restaurant will be permitted. (O.P.A. No. 57)

Notwithstanding the provisions of Policy A.2.9.3.28, a restaurant and tavern shall be considered a permitted use on those lands described as 986-998 Upper Wentworth Street. (O.P.A. No. 74)

- 2.9.3.29 Within SPECIAL POLICY AREA 34 indicated on Schedule "B" - Special Policy Areas and municipally known as 660 Upper James Street, a mixed commercial/residential use having a maximum gross floor area of 118.5 m² will be permitted. (O.P.A. No. 34)
- 2.9.3.30 Notwithstanding the permitted uses set out in Subsection A.2.3 and Policy A.2.9.3.9, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 35, the establishment of an Observation and Detention Home will be permitted. (O.P.A. No. 37)
- 2.9.3.31 Notwithstanding the permitted uses set out in Subsection A.2.1, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 36, the establishment of an apartment building containing less than 100 units with a maximum of 929 m² of neighbourhood type commercial uses on the ground floor, will be permitted. (O.P.A. No. 47)
- 2.9.3.32 Notwithstanding Subsection A.2.1, Subsection A.2.2 and Policy A.2.9.3.1, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 37, and known municipally as 131 Charles Street, a lawyer's office within the existing residential building will be permitted. (O.P.A. No. 48)
- 2.9.3.33 Within SPECIAL POLICY AREA 38, identified on Schedule "B" - Special Policy Areas and known municipally as 678 Upper James Street, limited commercial uses shall be permitted within the existing building, and in the event that the existing building is destroyed, it will only be replaced by a building with the same external dimensions and floor area. (O.P.A. No. 49)
- 2.9.3.34 Notwithstanding the permitted uses set out in Subsection A.2.1 and Policy A.2.9.3.1, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 39, and known municipally as 122-124 Young Street, professional offices within the existing building will be permitted. (O.P.A. No. 50)

- 2.9.3.35 Notwithstanding the permitted uses set out in Subsection A.2.1 for those lands shown on Schedule "B" as SPECIAL POLICY AREA 40, and known municipally as 418 Limeridge Road East, professional offices within the existing building will be permitted. (O.P.A. No. 53)
- 2.9.3.36 Notwithstanding Policy D.2.5 x), for those lands shown on Schedule "B" as SPECIAL POLICY AREA 41, a Convenience Shopping Centre will be permitted on the .77 ha site at the north-west corner of Rymal Road East and Upper Wentworth Street, in addition to the Convenience Shopping Centres identified on Schedule "B-2" as SPECIAL POLICY AREA 23. (O.P.A. No. 59)
- 2.9.3.37 Notwithstanding Policy D.2.5 x), for those lands shown on Schedule "B" as SPECIAL POLICY AREA 42, a Neighborhood Shopping Centre will be permitted on the 4.8 ha site, located on the north side of Rymal Road East, between Upper Wentworth Street and the Hydro Right-of-Way, in addition to the Neighborhood Shopping Centres identified on Schedule "B-2" as SPECIAL POLICY AREA 22. (O.P.A. No. 64)
- 2.9.3.38 Notwithstanding Subsection A.2.1 - Residential Uses, and Policy A.2.2.25 regarding Local Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 43, and known municipally as 2783 King Street East, limited commercial uses, including business offices, within the existing building, will be permitted. (O.P.A. No. 68)
- 2.9.3.39 *O.P.A. No. 69 - pending approval.*
- 2.9.3.40 Notwithstanding the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 45, and known municipally as 1249 Stone Church Road East, limited commercial uses will be permitted. (O.P.A. No. 71)
- 2.9.3.41 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" - Special Policy Areas, as SPECIAL POLICY AREA 46, and located at the south-west corner of Rymal Road East and Ryckman Street, high traffic generating uses, such as, restaurants, will be prohibited. Further, vehicular access onto Ryckman Street from the affected lands will be prohibited. (O.P.A. No. 76)
- 2.9.3.42 Notwithstanding the permitted uses set out in Subsection A.2.1 - Residential Uses and Policy A.2.2.25, regarding Local Commercial uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 47, and known municipally as 2846 King Street East, limited commercial uses will be permitted within the existing building. (O.P.A. No. 81)

2.9.3.43 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 48, and located south of the C.N.R. Railway and east of Centennial Parkway North, only limited commercial uses will be permitted, such as, home improvement centre uses, billiard hall, bowling alley, offices, cinema, restaurant and hotel, as provided for by the implementing Zoning By-law amendment. (O.P.A. No. 83)

2.9.3.44 Notwithstanding the permitted uses as set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 49, and located on the east side of Centennial Parkway North, north of Barton Street East, only limited commercial uses which support tourism and cater to the travelling public, such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs, and similar uses, will be permitted. (O.P.A. No. 86)

Subsection A.3.1 - Hazard Lands

HAZARD LANDS are lands which, if developed upon, have inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability, or any other physical conditions which are severe enough to pose a risk to occupants, loss of life, property damage and social disruption.

For the most part, the boundaries of these lands are defined on mapping in the possession of the Hamilton Region Conservation Authority, pursuant to Ontario Regulation 118/70, and the Niagara Peninsula Conservation Authority, pursuant to Ontario Regulation 220/81, all as amended, under the Conservation Authorities Act. Supplementary mapping is available through the Ontario Ministry of Natural Resources.

It is intended that all HAZARD LANDS will be conserved and that uses or activities which could be adversely affected by, or could increase, the inherent hazards will be prohibited in and adjacent to them.

- 3.1.1 Certain areas within the City of Hamilton which form a part of the Open Space designation on Schedule "A" are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are only schematically shown as HAZARD LANDS on Schedule "C" to this Plan. Accordingly, it is intended that a proponent for redevelopment or development purposes abutting on, or within, HAZARD LANDS make reference to the "flood-line" and "fill-line" mapping approved by the appropriate Conservation Authority for precise delineation.
- 3.1.2 The general intent of this Plan is that there should be no encroachment of development or major landscape alterations of these HAZARD LANDS and accordingly, the following policies will apply:
- i) No buildings, structures or fill will be permitted in these areas, except where buildings and structures are intended for flood or erosion control, or are normally associated with the flood plain or landscape stabilization, or are required essential utilities, and are approved by Council, the Region and the Conservation Authority having jurisdiction. Further, no placing or removal of fill of any kind, whether originating on the site or elsewhere, will be permitted in these areas unless such is approved by Council and the Conservation Authority having jurisdiction;
 - ii) Whenever any flood control or other remedial works are undertaken which result in changes to the area of land subject to hazardous conditions, Council may consider amendment to this Plan for redesignation, if deemed to be necessary;

- iii) Where new development is proposed on a site, part of which lies within the HAZARD LANDS shown on Schedule "C", the provision of Subsection D.5 regarding Parkland dedication will apply;
- iv) No portion of a building, structure or tile field will encroach into a setback from a stream, natural watercourse or pond, or from valley "fill lines" or "top-of-bank" lines as determined by the Conservation Authority having jurisdiction;
- v) HAZARD LANDS will be zoned in a separate classification in the implementing Zoning By-law; and,
- vi) Notwithstanding the Non-Complying Uses policies as set out in Subsection A.3.3 of this Plan, Council and the Committee of Adjustment will discourage the expansion of existing Non-Complying Uses within HAZARD LANDS.

3.1.3 Notwithstanding the foregoing, any amendment for redesignation of HAZARD LANDS as shown on Schedule "C" for other purposes may be considered by Council after taking into account:

- i) The existing environmental hazards;
- ii) The potential impacts of these hazards;
- iii) The proposed methods by which these impacts may be mitigated in a manner consistent with accepted engineering techniques and resource management practices;
- iv) The costs and benefits in monetary, social and biological value in terms of any engineering works and/or resource management practices needed to overcome these impacts; and,
- v) The Parkway Belt West Plan, where applicable.

Subsection A.3.2 - Environmentally Sensitive Areas

It is the intent of the policies of this Plan that those areas which are ecologically significant will be deemed ENVIRONMENTALLY SENSITIVE AREAS. It is intended that ENVIRONMENTALLY SENSITIVE AREAS be preserved in their natural state; however, limited development may be permissible, subject to assessment of impacts and sensitive design measures to retain the natural attributes of the area.

- 3.2.1 Notwithstanding the land use designations shown on Schedule "A" and the accompanying policies, those lands identified on Schedule "D" as ENVIRONMENTALLY SENSITIVE AREAS will be preserved in a natural or undisturbed state, unless a study is carried out to determine the feasibility of development in these AREAS, as required in Policy 3.2.3 below. Accordingly, if it is proven that these AREAS can be developed, then the appropriate land use designation and policies will apply. In the interim, the primary uses permitted will be for open spaces, undeveloped parks, public or private recreational uses, conservation uses and those uses existing at the time of the approval of the Regional Official Plan. (O.P.A. No. 46)
- 3.2.2 In recognition of the Regional Official Plan, Council will advise the Region when proposals are received for a change in the legal use of land or buildings through amendments to the Official Plan or Zoning By-law, or for an increase in intensity of an existing legal use by land severances, subdivision or variance affecting any ENVIRONMENTALLY SENSITIVE AREA.
- 3.2.3 Where development or redevelopment is proposed on lands designated ENVIRONMENTALLY SENSITIVE AREAS, Council will consider an amendment application to this Plan and/or the implementing Zoning By-law providing that the proposed use is compatible with the protection of the ENVIRONMENTALLY SENSITIVE AREA and the Parkway Belt West Plan, where applicable. For this purpose, Council will further require of the proponent that a Feasibility Study and Impact Analysis be undertaken by a qualified professional with expertise in environmental studies, and that this Study and Analysis contain the following:
- i) A statement as to the environmental quality, uniqueness and character of the ENVIRONMENTALLY SENSITIVE AREA in which the proposed undertaking will occur;
 - ii) A description of the purpose of the undertaking, including:
 - a) a description of alternative methods of carrying out the undertaking;
 - b) an evaluation of the advantages and disadvantages to the environment of the undertaking; and,

iii) A description of:

- a) the environment that will, or that might be expected to, be affected, directly or indirectly;
- b) the effects that will, or might, be expected on the environment; and,
- c) the actions that will, or that might, be required to prevent, change, mitigate or remedy the effects upon, or the effects that might reasonably be expected upon, the environment by the undertaking.

3.2.4 Council will provide the appropriate public authorities with an opportunity to review and make recommendations on the acceptability of the Feasibility Study and Impact Analysis for an ENVIRONMENTALLY SENSITIVE AREA.

3.2.5 When an Environmental Assessment of a proposal is carried out under the Ontario Environmental Assessment Act, that assessment will be considered as fulfilling the Feasibility Study and Impact Analysis requirements of this Plan.

3.2.6 Council may waive, with the concurrence of Regional Council, the requirement for a Feasibility Study and Impact Analysis provided it is determined by Council, in consultation with other agencies, that the Study and Analysis are not warranted.

3.2.7 Prior to granting any amendment specified in Policy A.3.2.3 above, Council may consider entering into an agreement with the property owner to preserve all or part of the ENVIRONMENTALLY SENSITIVE AREA in a natural or undisturbed state.

3.2.8 Land abutting ENVIRONMENTALLY SENSITIVE AREAS will be developed in a manner to protect and complement the adjacent hazard and/or natural attributes.

3.2.9 In accordance with the Regional Official Plan, the boundaries of the Environmentally Sensitive Areas, as shown on Schedule "D", may be redefined as a result of a Feasibility Study and Impact Analysis, without an Amendment to this Plan. (O.P.A. No. 5)

Subsection A.3.3 - Non-Complying Uses

The land use policies of this Plan and the designations detailed on Schedule "A" represent a strategy which will be followed over the next two decades. However, it is recognized that there exist in the City some land uses that do not presently comply with the strategy set out in this Plan and that this situation is likely to persist for some time. As well, many of these uses have been established for a considerable number of years and, frequently, a large degree of tolerance has resulted between them and their neighbours. While a sound planning program would not deliberately seek to foster a mix of land uses that would be detrimental to each other, it must be recognized that situations exist that can be tolerated in the interim without adverse results.

The Plan, therefore, while endeavouring to achieve a high degree of land use compatibility for new development, intends that there be a degree of leeway in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Nevertheless, there are still some existing uses that not only do not comply, but are also incompatible, and for which specific policy remedy is required.

- 3.3.1 It is the intent of Council that any existing land use which does not comply with the land use designations shown on Schedule "A" or their related policies should cease to exist over time. Accordingly, such uses will be deemed to be NON-COMPLYING and will be, or remain, zoned for the intended use so that the affected lands may convert to the use intended by this Plan.
- 3.3.2 In certain instances, Council may deem it to be desirable to permit the extension beyond the boundaries of the site, or redevelopment, of a NON-COMPLYING USE to avoid unnecessary hardship. Such proposed extension or enlargement will be dealt with in the following manner:
- i) Council will determine the feasibility of acquiring and of holding, selling, leasing or redeveloping the property concerned in accordance with the provisions of The Planning Act. Council will further examine the merits and potential for the relocation of the use to an area in compliance with this Plan;
 - ii) If acquisition by the City is not feasible, Council may encourage the Region to consider acquisition. Where no municipal acquisition is possible and/or the special merits of the individual case make it desirable to grant permission for the extension or redevelopment of the NON-COMPLYING USE, Council may consider the passing of an enabling Zoning By-law pursuant to The Planning Act; and,
 - iii) Council, before passing such a By-law, will be satisfied that the following requirements are, or will be, fulfilled to ensure the protection of the wider interests of the general public:

- a) that the proposed extension or enlargement of the established NON-COMPLYING USE will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area;
- b) that the proposed extension or enlargement will be in an appropriate proportion to the size of the NON-COMPLYING USE established prior to the passing of the original Zoning By-law;
- c) that an application which would affect the boundary between areas of different land use designations in this Plan, will, only be processed under these policies, if it can be considered as a minor adjustment. Major intrusions will require an amendment to this Plan;
- d) the characteristics of the existing NON-COMPLYING USE and the proposed extension or enlargement will be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generation. No amendment to the By-law will be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
- e) that the neighbouring complying uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising, signs, etc.;
- f) such provisions and regulations will be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the neighbourhood;
- g) that traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of access and egress points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- h) that adequate provisions have been, or will be, made for off-street parking and loading facilities; and,
- i) that municipal services such as water, sanitary and storm sewers, roads, etc., are adequate, or can be made adequate.

3.3.3 Where an established NON-COMPLYING USE seriously affects the general amenity of the surrounding area, consideration will be given to the possibility of ameliorating such conditions, especially when public health and welfare are directly affected.

3.3.4 Notwithstanding Policies A.3.3.1 and A.3.3.2 above, and Subsection D.3, where an existing use of land does not comply with the land use designations shown on Schedule "A" or their related policies, Council may recognize this use or other NON-COMPLYING USE in the Zoning By-law, provided that:

- i) It does not aggravate any situation detrimental to adjacent complying uses;
- ii) It does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and,
- iii) It does not interfere with desirable development in adjacent areas that are in conformity with this Plan.

Subsection A.3.4 - Division of Land

It is the general intent of this Plan that the further DIVISION OF LAND in the City will be primarily where the lots to be created are within a registered plan of subdivision approved by the Region.

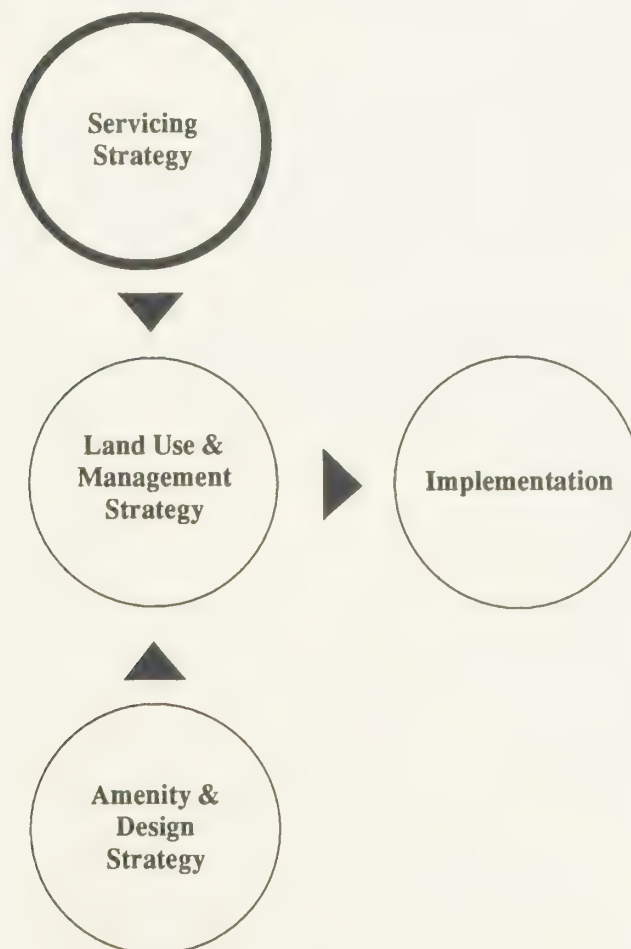
- 3.4.1 In accordance with the intent of the Regional Official Plan, consents to sever individual parcels of land within the City will generally be discouraged and limited in accordance with the following provisions:
- i) Severances to create new lots where adequate municipal sewer and water services are not available will be discouraged; (O.P.A. No. 5)
 - ii) Severances will be discouraged which do not comply with the Development and Servicing Extension policies of Subsection B.1 and the severance policies of the Regional Official Plan; and, (O.P.A. No. 22)
 - iii) Severances will be discouraged where such severance would make it difficult to assemble adequate parcels of land which would permit planned development.

SECTION B - SERVICING STRATEGY

The Land Use and Management Strategy detailed in Section A of this Plan defines the nature and physical extent of growth anticipated to the year 2001. However, this strategy is predicated on the efficient and economic deployment of necessary services and support in the existing and proposed complement of land uses, and to ensure the safety, health and well-being of the residents of the City.

Accordingly, it is the intent of this Plan to detail a SERVICING STRATEGY to ensure that the responsible jurisdictions, public agencies and authorities co-ordinate the provision of appropriate levels of services to be commensurate with the rate and extent of anticipated growth. The STRATEGY identifies:

- *requirements for the Development and Servicing Extensions; (O.P.A. No.22)*
- *provisions for the extension of Engineering Services;*
- *improvements to Circulation and Movement; and,*
- *provision for Utility Services.*



Subsection B.1 - Development and Servicing Extensions

It is the intent of this Plan that DEVELOPMENT in the underdeveloped areas of the City take place in a manner that results in the orderly and economic EXTENSION of all municipal works and services. It is essential that new DEVELOPMENT will not proceed in advance of the construction of municipal sewerage and water distribution services.

The actual EXTENSION of municipal services will be dependent on anticipated population growth and the financial capabilities of the City and/or Region to undertake the necessary expenditures. (O.P.A. No. 22)

- 1.1 The EXTENSION of municipal services will be consistent with the financial capability of the City and/or Region to meet the costs of such EXTENSIONS and under the following circumstances:
 - i) where it is a logical EXTENSION of existing DEVELOPMENT;
 - ii) where the infilling and completion of partially developed Neighbourhoods will be achieved;
or,
 - iii) where required in developed areas which are presently unserved or partially served.
(O.P.A. No. 22)
- 1.2 When judging the adequacy of municipal works and services, the needs of an entire Neighbourhood will be considered foremost. However, Council may consider a DEVELOPMENT proposal in a Neighbourhood where such works and services are inadequate, provided that the needs of the Neighbourhood can be met when further DEVELOPMENT occurs. (O.P.A. No. 22)
- 1.3 Where there is considerable DEVELOPMENT which has already taken place without Engineering Services, Council may permit further minor infilling and rounding out of such DEVELOPMENT.
(O.P.A. No. 22)

Subsection B.2 - Engineering Services

The intent of the policies set out in this Plan is to ensure that improvements to, and the required complement of, ENGINEERING SERVICES (Water Distribution, Sewage Disposal, Storm Drainage and Solid Waste Disposal) are commensurate with the requirements of anticipated growth in the City. Accordingly, it is intended that only those sectors of the City designated for growth by the Land Use Concept be provided with necessary SERVICES.

Subsection B.2.1 - Water Distribution

It is intended that all existing and future development within the City will be effectively serviced by the WATER DISTRIBUTION System in order to mitigate or prevent environmental and health problems or other hardships. This Plan will also encourage that all existing development, in time, be connected to the System in order to mitigate potential adverse environmental effects from development currently not connected to the System.

- 2.1.1 In accordance with the intent of the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and/or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.
- 2.1.2 No extension of the WATER DISTRIBUTION System will be made into undeveloped areas of the City, except where the Region is satisfied that a proven need exists. In this regard, Council will encourage the Region to ensure that the following conditions have been identified:
 - i) Existing or potential health hazards;
 - ii) Environmental degradation; and,
 - iii) Undue hardship imposed on residents as a result of inadequate water supplies.
- 2.1.3 Council will co-operate with the Region to ensure that the staging, construction or expansion of the WATER DISTRIBUTION System is carried out in conjunction with the Development and Servicing Extension policies outlined in Subsection B.1 of this Plan. (O.P.A. No. 22)
- 2.1.4 Council will encourage the Region to maintain and improve the WATER DISTRIBUTION System throughout the City. In so doing, additional storage capacity will be provided in reservoirs and sufficient water pressure maintained in the distribution system to adequately confront fire and other types of emergencies.
- 2.1.5 Notwithstanding Policy B.2.1.2 above, where there is considerable development which has already taken place without connection to the WATER DISTRIBUTION System, Council may permit further infilling and rounding out of such development, provided that they can be connected to the WATER DISTRIBUTION System when the System is extended to the area and that the following are met:

- i) The site proposed for development has adequate quality and quantity of ground water;
and,
- ii) The proposed development will not create potential health hazards to the area residents.

Subsection B.2.2 - Sewage Disposal

It is intended that all new development or redevelopment within the City will be effectively serviced by the SEWAGE DISPOSAL System, and that improvements or extensions will be made to this system where necessary. It is recognized that growth in the City is subject to SEWAGE treatment capacities and, accordingly, the quality of effluent discharged into the environment. In this regard, the Plan will encourage the appropriate agencies to introduce adequate measures to provide for future improvements to the SEWAGE DISPOSAL System.

- 2.2.1 Council will, with the co-operation of the Region, require that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage Treatment Plant, and the monitoring of effluents discharged are undertaken.
- 2.2.2 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to investigate and implement methods for treating storm run-off and overflow from combined sewers in the City.
- 2.2.3 Council will co-operate with the Region to ensure that the staging, construction or expansion of the SEWAGE DISPOSAL System is carried out in conjunction with the Development and Servicing Extension policies outlined in Subsection B.1 of this Plan. (O.P.A. No. 22)
- 2.2.4 Notwithstanding Policy B.2.2.1 above, where there is considerable development which has already taken place in an area without a SEWAGE DISPOSAL System, Council may permit further infilling and rounding out of such development on temporary individual SEWAGE DISPOSAL systems approved by the Medical Officer of Health, provided that they can be connected to the SEWAGE DISPOSAL System when the System is extended to the area.

Subsection B.2.3 - Storm Drainage

It is intended that adequate measures be required or undertaken to ensure that STORM water run-off within the City is safely and effectively managed. Accordingly, this Plan promotes the linkage of all new development to appropriate STORM DRAINAGE facilities to minimize any adverse effects created by development on the natural environment.

- 2.3.1 Council will require that all development and/or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, 'zero run-off', and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM Sewer System is at a sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.
- 2.3.2 Council will ensure that all STORM DRAINAGE facilities are constructed completely separate from Sanitary Sewer facilities and encourage, where feasible, the separation of existing combined systems when appropriate opportunities arise.
- 2.3.3 Council will not permit any new development or redevelopment where it would interfere with, or reduce, the DRAINAGE capacity of any natural watercourse or result in any pollution and DRAINAGE problems along watercourses and their tributaries. In addition, Council will co-operate with all Federal and Provincial agencies having statutes, regulations, or policies applying to watercourses and to STORM DRAINAGE.
- 2.3.4 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region and appropriate Provincial agencies in any study or program to investigate and implement suitable and economical methods of increasing water infiltration to the ground; of reducing residual urban STORM water run-off; and of watershed management.

Subsection B.2.4 - Solid Waste Disposal

It is intended that the City co-operate with the Region to ensure effective SOLID WASTE DISPOSAL service for all land uses. Accordingly, it is intended that all land uses be served by a regularly-scheduled DISPOSAL service.

- 2.4.1 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to provide a co-ordinated System for the collection and haulage of SOLID WASTE to Regional DISPOSAL facilities.
- 2.4.2 Council will encourage the Region to establish transfer facilities within Industrially designated areas well removed from Residential Uses, and other WASTE DISPOSAL services, to efficiently serve the City in the most economical and environmentally-acceptable means available.
- 2.4.3 In accordance with the intent of the Regional Official Plan, Council will encourage, and co-operate with, the Region in developing a program for resource recovery and recycling of SOLID WASTE materials.
- 2.4.4 Council will co-operate with the Region to monitor the leachate seepage and methane gas conditions of all sanitary landfill sites in the City and, in so doing, take every measure to protect the surrounding area and prevent adverse environmental effects that may be associated with the sanitary landfill sites.
- 2.4.5 Council will co-operate with the Region, during the final stages of disposition of the sanitary landfill site on the East Mountain, to consider its potential use for recreational purposes. Accordingly, consideration will be given, but not limited to, the contouring of the lands. This will be carried out in a manner that is environmentally acceptable and subject to the approval of the Ministry of the Environment.
- 2.4.6 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or, in the case of certain uses, through individually-contracted collection service.
- 2.4.7 Council will not permit the final DISPOSAL of SOLID WASTE within the City except at approved DISPOSAL facilities to protect the environment and the public health.

- 2.4.8 Council will encourage the Region to co-operate with senior levels of government to develop programs which may reduce the quantities of SOLID WASTE generated within the City.
- 2.4.9 Council will encourage the Region to utilize innovative SOLID WASTE DISPOSAL Systems (e.g., SWARU) that recover and recycle SOLID WASTE.
- 2.4.10 Council may pass By-laws to require and control the location of WASTE storage areas and containers in Industrial and Commercial areas and to regulate the temporary storage of WASTE material on street boulevards.

Subsection B.3 - Circulation and Movement System

The general intent of this Plan is to ensure the development and maintenance of an effective CIRCULATION AND MOVEMENT SYSTEM that will maximize accessibility in all parts of the City and reduce conflicts between pedestrian and vehicular circulation. The CIRCULATION AND MOVEMENT SYSTEM will consist of a Road Network, Public Transit, Parking, Pedestrian and Bicycle Circulation, and Rail, Marine and Air Services which will link the various land use designations in the Plan.

Subsection B.3.1 - Road Network

It is the intent of this Plan that the ROAD NETWORK consisting of Regional and Municipal roads will accommodate anticipated future traffic volumes at a reasonably high level of service. Accordingly, this NETWORK is classified by function to identify and differentiate the various types of roads that are required for local and through traffic. This will also facilitate the planning and implementation of ROAD improvements, operation and maintenance.

- 3.1.1 In accordance with the provisions of the Regional Official Plan, Council will integrate the planning of the ROAD NETWORK under its jurisdiction with the Regional Road System.
- 3.1.2 In accordance with the intent of the Regional Official Plan, the ROAD NETWORK will be composed of Inter-Regional Highways, Arterials (which are Regional Roads), Collectors and Local Roads. All Inter-Regional Highways and Arterials are shown on Schedule "F"; in addition, right-of-way requirements are identified for certain Arterials and other roads.
- 3.1.3 The planning and implementation of the ROAD NETWORK will be subject to the following functional road classifications:
 - i) INTER-REGIONAL HIGHWAYS provide strategic links in the ROAD NETWORK. Their primary function is to carry traffic into, through and out of the City and the Region. INTER-REGIONAL HIGHWAYS such as Queen Elizabeth Way, Highway 403, Centennial Parkway and Rymal Road will have full or partially-controlled access to abutting lands;
 - ii) ARTERIAL ROADS will function as strategic links in the overall ROAD NETWORK. These Regional Roads will carry relatively large volumes of short and long-distance traffic in and through the City. ARTERIAL ROADS provide some access to abutting properties;
 - iii) COLLECTOR ROADS will function as connecting road links between Arterial and Local Roads. They generally carry lower traffic volumes than Arterial Roads and may provide direct access to abutting properties; and,
 - iv) LOCAL ROADS will provide direct access to abutting properties and carry traffic predominantly of local nature.

3.1.4 Where feasible, the planning and implementation of the ROAD NETWORK for each functional classification as described above will generally be based on certain standard right-of-way widths, current design practices, and in accordance with the Regional Official Plan. Notwithstanding the above, where existing roads in developed areas are designed at a lesser standard, consideration may be given for their improvement. The general road right-of-way widths will be based on the following standards and kept free of development:

- i) INTER-REGIONAL HIGHWAYS will have right-of-way widths and design standards adequate to accommodate long-distance traffic; the right-of-way widths and design standards of highways under the jurisdiction of the Province are determined by the Ministry of Transportation and Communications;
- ii) ARTERIAL ROAD right-of-way widths will be 60 metres when there is complete control of access to abutting land use, and 26 to 36 metres in areas where there is only partial or no control of access to abutting land use;
- iii) COLLECTOR ROAD right-of-way widths will range from 20 to 26 metres; and,
- iv) LOCAL ROAD right-of-way widths will be up to 20 metres.

3.1.5 No development and/or redevelopment will be permitted which does not front on a public ROAD of an acceptable standard of construction. Further, Council will require, as a condition of approval, that sufficient lands are conveyed to provide for a Road right-of-way in accordance with the designated widths as set out in Policy B.3.1.4 above. Accordingly, Council may protect the specified right-of-way widths through the adoption of appropriate by-laws.

3.1.6 In accordance with the intent of the Regional Official Plan, where a significant portion of development has taken place along a Major Road and the Road rights-of-way are not specified on Schedule "F", Council will require special studies to be undertaken to determine a practical right-of-way along such ROADS to serve traffic requirements while minimizing the negative impacts on development. Accordingly, the exact rights-of-way to be protected for such ROADS will be specified by Council after these studies are completed by way of an amendment to this Plan.

3.1.7 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to protect lands for purposes of future controlled access interchanges to the proposed east-west transportation facility in the vicinity of:

- i) Upper Horning Road;
- ii) Garth Street;
- iii) Upper James Street;
- iv) Upper Wentworth Street;
- v) Upper Gage; and,
- vi) The northern extension of Dartnall Road.

The exact boundaries of the lands required for these interchanges will be determined through detailed study and will be designated in Neighbourhood Plans.

3.1.8 In addition to Policy B.3.1.9 below, Council will, where deemed necessary and with the co-operation of the Region, initiate construction and maintenance programs to improve the safety and operation of the ROAD NETWORK.

3.1.9 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to improve and overcome deficiencies on Arterial Roads by providing for the possible future location or the improvement of the following:

- i) A new road linking Burlington Street West to Highway 403 as shown on Schedule "F";
- ii) A new east-west and north-south transportation facility that will link Highway 403 on the Mountain with Queen Elizabeth Way as shown on Schedule "F";
- iii) Additional east-west road capacity on existing Arterial Roads or a new road connection between the downtown area and the junction of Main Street and Cootes Drive; and,
- iv) Additional east-west road capacity on existing Arterial Roads or a new road connection between the downtown area and the junction of King Street and Lawrence Road.

Further, these new links will be assessed in reference to their effects on adjacent land uses through the preparation of detailed policies in Neighbourhood Plans. Accordingly, such Plans will promote, where necessary, appropriate setback, buffering, screening and landscaping to alleviate environmental, social and economic consequences resulting from the possible new location of such roads and will be in keeping with the intent of The Environmental Assessment Act.

3.1.10 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to improve, when necessary, the Mountain access approaches between Beckett Drive and Sherman Access. Accordingly, Council will assist the Region in reviewing the pattern of vehicular movement and take necessary measures to maintain the free flow of traffic and minimize impacts on adjacent neighbourhoods.

3.1.11 In accordance with the intent of the Regional Official Plan, and where feasible, direct access to Arterial Roads from individual properties will be limited by special restrictions to enhance the free flow of traffic and minimize the impacts on abutting properties and pedestrian movement. Accordingly, the following general principles will be used to implement this policy through Neighbourhood Plans:

- i) The location and design of Collector Roads to discourage through-vehicular traffic within Residential areas;

- ii) The spacing between Arterial and Collector Road intersections will be appropriate to accommodate traffic control devices operated in a safe and efficient manner to enhance the flow of traffic along Arterial Roads and minimize the number of stops for vehicular traffic;
 - iii) The spacing and possible reduction of driveways on Arterial Roads by means of proper site planning techniques such as controlled access and common off-street parking facilities;
 - iv) Where feasible, the elimination of on-street parking on Arterial Roads by providing suitable off-street parking facilities;
 - v) An adequate buffer or intervening landscaping and screening; and,
 - vi) The provisions set out in Subsection D.2 of this Plan.
- 3.1.12 Further, where reverse frontage lots for Residential development are required adjacent to Arterial Roads (i.e., the east-west and north-south transportation facility), additional measures to attenuate the effects of noise and visual intrusion, such as, but not limited to, additional yard or lot requirements, double-glazing of windows, use of construction materials having sound-proofing qualities, and the reserve of easements for the effective placement of noise berms, will be investigated and implemented, where required, to meet the acoustical standards of the Ministry of the Environment and as further set out in Subsection C.7.
- 3.1.13 Council will co-operate with the Region in the designation and development of scenic drives and their integration with major Open Spaces, recreational areas and pedestrian and bicycle paths.
- 3.1.14 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to designate, maintain, monitor and improve truck routes to accommodate the safe and efficient movement of truck traffic, while prohibiting the penetration of non-essential trucking into Residential areas.
- 3.1.15 In addition to Policy B.3.1.14 above, Council may require appropriate building setbacks, screening and buffering requirements along designated truck routes to alleviate excessive noise impacts on adjacent land uses.
- 3.1.16 Neighbourhood Plans will identify appropriate abatement measures to mitigate the impact of rail and vehicular noise on existing and proposed Residential developments, and will be in accordance with the provisions of Subsection C.7.

3.1.17 Council, in reviewing new subdivision plans, development and/or redevelopment proposals, will require, as a general standard, that sidewalks be provided within the development.

3.1.18 It is the intent of Council to permit temporary licensed wayside pits and quarries for the construction and maintenance of public roads, without amendment to this Plan. However, they will not be permitted in areas designated for Residential purposes or in areas where environmental disruption may occur. Further, Council will request the Ministry of Natural Resources to refer all applications for a permit to open, establish or operate a temporary wayside pit or quarry to the City prior to issuing such a permit. In this regard, Council may make recommendations to the Ministry regarding the method of operation and rehabilitation.

3.1.19 In accordance with the Planning Act, where a property is located in a Proposed Site Plan control area, as defined in Subsection D.3, the following provisions will apply:

- i) Further to Policy B.3.1.2 above, Council will require as a condition of Site Plan approval, the dedication of property abutting ROADS with future rights-of-way widths in the south mountain and east end areas of the City, as specified on Schedule "F". In addition, the dedication of property abutting certain ROADS with future rights-of-way widths as defined below will also be required.

<u>Road</u>	<u>From</u>	<u>To</u>	<u>Future Rights-of-Way Width (metres)</u>
1) Bay Street	Perimeter Industrial Road	Main Street	26
2) Centennial Parkway	Queen Elizabeth Way	Barton Street	36
3) Cannon Street	Caroline Street	Victoria Avenue	26
4) King Street	Highway No. 403	Bay Street	26
5) King Street	Wellington Street	Victoria Avenue	26
6) Limeridge Road	150 metres east of West 5th Street	150 metres west of West 5th Street	26
7) Limeridge Road	150 metres west of Upper James Street	Ridge Street	26
8) Limeridge Road	150 metres west of Upper Wellington	150 metres east of Upper Sherman	26

9) Limeridge Road	150 metres west of Upper Ottawa	Mountain Brow Boulevard	26
10) Main Street	Highway No. 403	Bay Street	26
11) Queen Street	Main Street	York Boulevard	26
12) Wellington Street	Claremount Access	Perimeter Industrial Road	26
13) Wilson Street	James Street	Victoria Avenue	26
14) York Boulevard	MacNab Street	James Street	26

- ii) The future rights-of-way widths identified in i) above are based on the converted metric equivalent from the imperial measurement standard as follows:

<u>Imperial measurement</u>	<u>Exact metric equivalent</u>	<u>Rounded metric equivalent</u>
66 feet	20.117 metres	20 metres
80 feet	24.384 metres	24 metres
86 feet	26.213 metres	26 metres
100 feet	30.480 metres	30 metres
120 feet	36.576 metres	36 metres

Accordingly, the extent of the proposed widening on new ROADS or sections of existing ROADS which have not been previously widened will be calculated based on the rounded metric equivalent. However, on all existing ROADS where previous widenings have occurred, the proposed widening will be based on the exact metric equivalent;

- iii) Where feasible, Council will acquire land through dedication, equally from both sides of the ROAD. However, in the developed areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the ROAD. In such cases, the amount of land to be dedicated from each side of the ROAD, will not exceed one-half of the total proposed widening;
- iv) Notwithstanding the policies of Section B.3.1.19 iii), Council will require, as a condition of Site Plan approval, the dedication of additional property for daylighting triangles at Road intersections. In this regard, the maximum amount of land to be dedicated will not exceed 72 square metres; and,

- v) Notwithstanding the policies of Section B.3.1.19 iii), in certain cases and where deemed necessary Council may require ROAD widenings in addition to the rights-of-way widths specified in i) above, to provide auxiliary turning lanes, or to provide appropriate access to a specific site, or where cut and fill requirements cannot be achieved within the specified rights-of-way to accommodate the necessary side slopes and/or retaining walls.
(O.P.A. No. 32)

3.1.20 It is the intent of Council to improve the operation of Roads by accommodating traffic control devices, which would enhance the free flow of vehicular traffic and improve their energy efficiency. (O.P.A. No. 14)*

* Policy B.3.1.19, as approved by O.P.A. No. 14, changed to Policy B.3.1.20, as concurred by the Ministry of Municipal Affairs.

Subsection B.3.2 - Public Transit

It is the intent of this Plan to provide for an efficient PUBLIC TRANSIT System that will meet the future needs of people in the City, and will attract sufficient levels of ridership.

- 3.2.1 In accordance with the intent of the Regional Official Plan, Council will encourage the Transit Authority to maintain a level of PUBLIC TRANSIT service that reflects and meets the needs of the commuting public. Accordingly, Council will support the Region in promoting TRANSIT ridership throughout the City, extending and integrating the PUBLIC TRANSIT service with other land uses.
- 3.2.2 Council will encourage the Transit Authority to ensure:
- i) The safe and efficient movement of the commuting public;
 - ii) The continued development of the TRANSIT System in the Central Policy Area as a primary focal point of the System to provide a high degree of accessibility and reduce dependency on private automobiles;
 - iii) An optimum number and distribution of TRANSIT routes throughout the City; and,
 - iv) A high degree of accessibility to the PUBLIC TRANSIT System in all areas.
- 3.2.3 Council will promote Sub-Regional Centres as secondary focal points for local TRANSIT service and, further, will co-operate with other levels of government in any investigation to increase TRANSIT capacity linking the Central Policy Area and the Sub-Regional Centres to other land uses.
- 3.2.4 Council will investigate with the appropriate Regional and Provincial authorities the feasibility of a multi-mode transportation terminal in the Central Policy Area for inter-urban and intra-urban TRANSIT services. Accordingly, Council will encourage the consideration of the following criteria:
- i) Proximity to other forms of PUBLIC TRANSIT;
 - ii) Proximity to pedestrian routes;
 - iii) Proximity to existing and proposed employment/retail centres;
 - iv) Proximity to parking facilities; and,

v) Ease of access for TRANSIT vehicles.

3.2.5 In the planning of TRANSIT services, and in accordance with the Regional Official Plan, Council will encourage the appropriate authorities to consider the location of the following:

- i) Major employment and retail concentrations and schools;
- ii) Concentrations of high-density Residential developments;
- iii) Terminals of inter-city transportation systems;
- iv) Major medical and social service centres;
- v) Housing developments for the elderly and/or the handicapped; and,
- vi) Parks, theatres and museums.

3.2.6 Council will encourage and co-operate with the appropriate authorities to ensure that all Shopping Centres and Extended Commercial areas are provided with an acceptable level of TRANSIT service.

3.2.7 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to establish ancillary public parking to promote and facilitate the use of PUBLIC TRANSIT.

3.2.8 In the preparation of Neighbourhood Plans, Council will encourage and co-operate with the Transit Authority to locate TRANSIT stops, where possible and feasible, in close proximity to passenger generators. Furthermore, Council will support, where practicable, the integration of those stops with pedestrian crosswalks.

3.2.9 In keeping with the intent of Policy B.3.2.8 above, Council will co-operate and encourage the Region to promote, where necessary and feasible, the provision of special bus lanes and bus-bays for routes carrying high volumes of TRANSIT vehicles.

3.2.10 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region and the appropriate Provincial agencies to provide and maintain an inter-regional TRANSIT System which increases accessibility between Hamilton and municipalities beyond the Region.

3.2.11 To minimize the need for new road facilities in congested corridors and to accommodate large volumes of TRANSIT users, Council may consider the potential of a new and innovative intermediate capacity transit line connecting downtown Hamilton to an appropriate location on the Mountain. Accordingly, Council will co-operate with the Region and other levels of government in any studies to determine an appropriate location for the intermediate capacity transit lines and have regard for the following:

- i) Major employment and retail centres;
- ii) Concentration of high-density Residential developments;
- iii) Major cultural, medical and institutional nodes;
- iv) Areas of higher population densities;
- v) The possibility of operating the intermediate capacity transit lines within exclusive rights-of-way; and,
- vi) Integration of the system with transfer points to conventional transit modes.

Subsection B.3.3 - Public and Private Parking

The Plan recognizes the importance of PUBLIC AND PRIVATE PARKING facilities. In this regard, it is intended that adequate PUBLIC AND PRIVATE PARKING facilities are available and will continue to serve the City without interfering with the efficient flow of traffic movement.

- 3.3.1 Council will maintain and enhance the supply of short-term PARKING in the City through the operation of the Municipal Parking Authority and requirements for the provisions of PRIVATE PARKING.
- 3.3.2 In keeping with the intent of Policy B.3.3.1 above, Council will regularly review its PARKING policies and relevant By-laws to ensure the safe and efficient operation of PARKING facilities.
- 3.3.3 Council will discourage, where appropriate, the provision of on-street PARKING on Arterial Roads to facilitate the free flow of traffic movement and, accordingly, will encourage replacement with sufficient off-street and/or on-site PARKING facilities.
- 3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and loading facilities.
- 3.3.5 Council will require, as a condition of development or redevelopment, that ingress and egress points of PARKING areas will be limited in number and designed to acceptable standards for traffic safety. Council will further encourage the sharing of access points by similar adjoining land uses, where practicable, to minimize traffic hazards on Major Roads.
- 3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby.

3.3.7 Where severe PARKING and/or loading problems are encountered in developed areas and where the PARKING and/or loading of vehicles on streets or adjacent lands constitutes a nuisance, or is seriously affecting the amenity and maintenance of the area, Council may consider the acquisition of lands in appropriate locations for PARKING purposes pursuant to The Municipal Act. Preference will be given to those locations where the problems are most severe and/or where the greatest number of land uses may benefit.

3.3.8 Council may, at its discretion and subject to the Planning Act, provide developers with the option of making a cash payment to the City in lieu of all or part of the Zoning By-law PARKING requirements. Such funds will be used for the acquisition of lands and/or the provision of off-street PARKING through the City where deemed appropriate by Council.
(O.P.A. No. 46)

3.3.9 In accordance with The Planning Act, and Subsection D.3 of this Plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, subject to the following:

- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential, Open Space or other public lands;
- ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;
- iii) The use of such vacant lands for temporary PARKING will not exceed three (3) years; and,
- iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approval period where specific application to Council for such extended approval is made.
(O.P.A. No. 15)

Subsection B.3.4 - Pedestrian and Bicycle Circulation

This Plan promotes a safe PEDESTRIAN AND BICYCLE CIRCULATION System that "links" the various activity nodes throughout the City. The System will also complement, and provide an alternative to, vehicular circulation in the Central Policy Area.

- 3.4.1 Council will promote the development of a "link-node" system which will link major PEDESTRIAN destinations such as Schools, Parks and Commercial areas (e.g., the Central Policy Area) by PEDESTRIAN paths, sidewalks along certain roads, and BICYCLE routes. In this regard, Council will undertake a detailed investigation of such a system which will lead to implementation through the preparation of Neighbourhood Plans.
- 3.4.2 Where feasible, a continuous "link-node" system will be co-ordinated with the development and/or redevelopment of Residential and other areas throughout the City. Accordingly, Council will have regard for the following provisions:
- i) The system will be designed such that it will intersect with major roads at specified points to ensure the safety of pedestrians and cyclists;
 - ii) Where appropriate, the system will be integrated with natural amenity areas such as Open Space, valleys and parks; and,
 - iii) When development and/or redevelopment proposals are submitted for approval and, where such proposals are on land that may affect the continuous nature of the "link-node" system, every effort will be made to ensure that such proposals are integrated with the system through land dedication or land acquisition.

Subsection B.3.5 - Rail Service

It is the intent of this Plan to recognize a RAIL SERVICE System that will meet the existing and future requirements of residents, business and industries. Moreover, the System will supplement road transport for commodity movements. It is also intended to minimize inherent conflicts between rail, vehicular and pedestrian circulation.

- 3.5.1 In accordance with the Regional Official Plan, Council will encourage railway companies to provide safe and efficient service for both the residents and industries of the City. In this regard, Council will promote RAIL SERVICE to improve the inter-city commuter facilities and provide sufficient RAIL SERVICE for Industrial establishments.
- 3.5.2 In this regard, special provisions will be established through detailed Neighbourhood Plans or when reviewing major development and/or redevelopment proposals to protect land uses adjacent to RAIL lines and in accordance with the following provisions:
- i) Prior to the approval of residential and institutional development or redevelopment proposals adjacent to RAIL lines, Council may require that a study and analysis of noise, vibration and air quality be carried out by the owner. Such a study will be to the satisfaction of Council in consultation with the Region and appropriate agencies and according to terms of reference established by Council in consultation with others;
 - ii) Additional setback and buffer requirements for abutting non-Industrial land uses to reduce the level of noise and vibration generated by trains;
 - iii) Utilization of special building construction techniques; and,
 - iv) Compliance with the provisions of Policy B.3.1.16 and Subsection C.7.
- 3.5.3 Further to Policy B.3.5.2 above, Council recognizes the concerns of the railway companies with regards to the potential impacts on their property by major development/redevelopment proposals adjacent to rail lines. In this regard, applicants will be directed to consult with the appropriate railway company regarding such matters as drainage, fencing, and setbacks.
- 3.5.4 Council, in co-operation with the Region and the appropriate authorities, will review the conflicts between RAIL and vehicular or pedestrian movements, and adjacent land uses, to ascertain the measures to:
- i) Provide appropriate level crossing control devices;

- ii) Accommodate grade separations where hazardous conditions prevail with the financial assistance of the Federal Government; and,
- iii) Provide and maintain fences and/or other appropriate measures along RAIL lines and RAIL yards so as to minimize impacts of the RAIL operations on surrounding Residential Uses.

3.5.5 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to ensure the integration of existing or planned railway yards and stations within the context of the overall Circulation and Movement System.

3.5.6 Council will co-operate with the appropriate agencies to investigate the long-term intended use of existing and abandoned railway lines throughout the City.

3.5.7 Further to Policy B.3.5.4 above, Council will co-operate with the Region and the appropriate Authority to initiate a detailed investigation into the possibility of relocating the Stuart Street Marshalling Yards to another suitable location.

Subsection B.3.6 - Marine Service

It is recognized in this Plan that the City of Hamilton has exclusive jurisdiction under The Planning Act with respect to land use control, except where the Hamilton Harbour Commissioners undertake development of land for bona fide shipping and navigation purposes. The authority of the Hamilton Harbour Commissioners with respect to uses of land for bona fide shipping and navigation is, therefore, recognized in this Plan.

- 3.6.1 Council will encourage and support the Hamilton Harbour Commissioners in the development of land for bona fide shipping and navigation purposes in a manner consistent with the economic and environmental goals of the City.

Subsection B.3.7 - Air Service - The Hamilton Civic Airport

It is the general intent of this Plan to recognize the role of the HAMILTON CIVIC AIRPORT in the City and the Region. Notwithstanding, the City acknowledges that the AIRPORT is under Federal ownership and that the City is responsible for its management. In this regard, the City will co-operate with all levels of government and their appropriate agencies to provide a safe and efficient AIR SERVICE.

3.7.1 Council recognizes the importance of the HAMILTON CIVIC AIRPORT for the growth and development of the City and the Region. In this regard, Council will co-operate with all other agencies of government and private authorities to enhance AIR SERVICE to meet future travel needs by means of:

- i) Modernization and expansion of existing facilities;
- ii) Construction of new runways; and,
- iii) Improving ancillary uses associated with the operation of the AIRPORT such as access and Engineering Services.

3.7.2 In accordance with the Regional Official Plan, Council may, when considering development and/or redevelopment for the area that is subject to the Noise Exposure Forecast contours, apply the appropriate Federal and Provincial land use guidelines and noise abatement measures. In addition, Council will recognize the following:

- i) Site planning standards that are complementary to any standards as may be prepared by the Ministry of Municipal Affairs and Housing;
- ii) Appropriate Provincial land use compatibility guidelines for uses within the Noise Exposure Forecast system; and,
- iii) Prepare detailed Neighbourhood Plans to identify the location and height limit of proposed buildings in order to secure the safe movement of Air traffic.

3.7.3 Further to Policy B.3.7.2 above, prior to approving future Residential development that will be affected by a Noise Exposure Forecast contour of 28 or greater, Council will require the proponent of such development to undertake any or all of the following:

- i) Submit a detailed noise analysis prepared by a qualified expert outlining the required noise insulation features in the design of buildings;

- ii) Satisfy Council that appropriate noise insulation features have been provided in the construction of buildings in accordance with Provincial standards; and,
- iii) Inform prospective tenants or purchasers of residential units that aircraft noise may interfere with certain activities. Such a warning provision will be registered on title or as a clause in a lease or rental agreement.

Subsection B.4 - Utility Services

The general intent of the policies set out in this Plan is to ensure that the various agencies responsible for UTILITY SERVICES provide the necessary services that are associated with and support existing and proposed development. Accordingly, these SERVICES will have a minimum of impact on the built and natural environments.

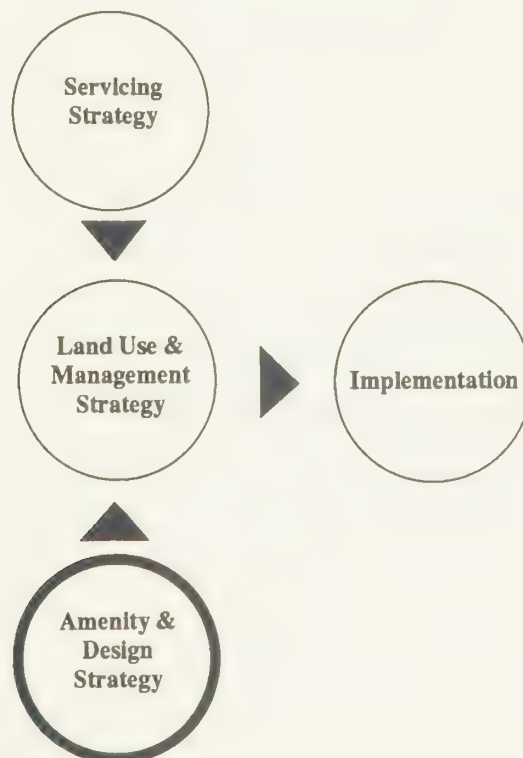
- 4.1 Council will encourage and, where necessary, participate with the various public or private UTILITY agencies to ensure that UTILITY SERVICES such as electric power, pipelines and natural gas lines are readily available to all development at levels necessary to ensure the safety and convenience of the community.
- 4.2 Council will encourage and co-operate with the various public and private agencies in the planning of future transmission routes, easements and facilities for UTILITY SERVICES. Such SERVICES will be provided in a manner which can be integrated with the established and/or anticipated pattern of development.
- 4.3 Council will encourage the appropriate public or private agencies to place electric power, telephone lines, multi-use cables and other such UTILITY SERVICES underground and in accordance with the following provisions:
 - i) In areas where new developments occur, this will be encouraged prior to the actual construction of buildings;
 - ii) In areas where redevelopments occur, this will be required only when and if it is reasonable and economical, having regard to the size of the redevelopment and the extent of work involved; and,
 - iii) In areas where development is likely to remain stable and overhead wires exist, this will be encouraged, where feasible and practicable, when major street improvements are undertaken.

SECTION C - AMENITY AND DESIGN STRATEGY

The on-going interplay of prominent natural resources and man-made attributes constitutes a significant factor in defining the visual character and quality of life in the City of Hamilton. In order to ensure that these amenities are maintained and enhanced in the realization of the Land Use and Management Strategy, complementing policy direction is required.

While many aspects of AMENITY AND DESIGN are rather subjective, it is the intent of this Plan to detail a strategy premised on accepted fundamental considerations, with sufficient policy direction to enable Council to proceed further in maintaining a quality environment. Accordingly, it is intended that the STRATEGY provide:

- *guidelines for the provisions of Community Services;*
- *measures to encourage Safety to persons and property;*
- *policies for the provision and preservation of vegetation;*
- *guidelines for Pollution control and abatement;*
- *measures for the Maintenance of public and private properties;*
- *policies to enhance the Residential Environment and to ensure that an appropriate supply of Housing may be provided to meet the changing requirements of the community; and*
- *provisions to preserve and utilize the Architectural and Historic resources of Hamilton to enhance the visual character of the City.*



Subsection C.1 - Community Services

The provision of adequate COMMUNITY SERVICES at a rate commensurate with anticipated growth is essential to enhance the quality of life enjoyed by the residents of the City of Hamilton. This will depend, in great measure, on the degree to which COMMUNITY SERVICES such as Parklands and recreation, Schools and Libraries are provided to satisfy the needs of the various segments of the population. Accordingly, where appropriate, the adequacy and required levels of these SERVICES will be determined by relating the design population of Planning Units (Neighbourhoods) to recognized standards.

- 1.1 It is the intent of Council to ensure that adequate levels of suitably distributed COMMUNITY SERVICES be provided to satisfy the changing requirements of Hamilton residents. In the provision of SERVICES such as Parklands, Schools and Libraries, Council will, in addition to the provisions herein, be guided by the appropriate policies set out in Subsections A.2.4, A.2.6, B.3.4 and D.2 of this Plan.

Subsection C.1.1 - Parklands

It is the general intent of the Plan to develop a comprehensive, integrated system of PARKLANDS compatible with the attributes of the City. Further, the Plan promotes bicycle and pedestrian pathways and green space corridors as integral parts of the PARKS System because of their roles as functional and visual links.

- 1.1.1 In order to ensure the provision of adequate amounts of PARKLAND, Council will promote the development of a hierarchy of PARKS throughout the city commensurate with the needs of area residents. In this regard, the following guidelines will be utilized in the determination of these needs:

<u>PARKLAND HIERARCHY</u>	<u>PARKLAND OBJECTIVE 1,000 POPULATION SERVED (HECTARES)</u>	<u>SERVICE RADIUS OBJECTIVE (KILOMETRES)</u>
Neighbourhood Park	Not less than 0.5	Not more than 0.8
Community Park	Not less than 0.5	Not more than 1.6
City-wide Park	Not less than 1.9	No maximum
Metropolitan Park	No minimum	No maximum
	Total	
	2.9+	

- 1.1.2 Metropolitan PARKS are considered to be an important category in the hierarchy of PARKLANDS. For example, the Bruce Trail may be deemed to be a Metropolitan PARK having an appeal and attraction extending beyond the City. The inclusion of this level is not intended to indicate a requirement on the Region for provision or management of this level of PARKLAND.

- 1.1.3 It is intended that actual PARK requirements in an area will be identified through the preparation of Neighbourhood Plans, by assessing a number of considerations, including, but not limited to, the following;

- i) Population Characteristics (density, age break down, ethnic considerations and income);
- ii) Accessibility (including the nature of alternative recreation opportunities in the area);
- iii) Characteristics of Residential development;
- iv) Opportunities for PARKLAND acquisition in terms of costs, property condition and other related factors;

- v) Public input and expressed requirements;
 - vi) Locations having site characteristics which lend themselves to recreational use while being retained in a natural state;
 - vii) Requirements for passive and active spaces;
 - viii) Feasibility of locating PARKS adjacent to School sites; and;
 - ix) Availability of large-scale alternate PARK facilities in the vicinity.
- 1.1.4 A Neighbourhood PARK will be provided in each Residential neighbourhood to serve the specific interests of local residents as identified pursuant to Policy C.1.1.3, above. Further, the preferred location for a Neighbourhood PARK is adjacent to a public or separate elementary School.
- 1.1.5 Notwithstanding Policy C.1.1.1 above, the service radius objective to a 'tot-lot' or 'vest-pocket' Neighbourhood PARK as may be deemed to be necessary pursuant to Policy 1.1.3 above, will not be more than .4 kilometre.
- 1.1.6 A Community PARK will, where feasible and deemed appropriate by Council, be provided and developed in accordance with the following provisions:
- i) Community PARKS will provide a variety of outdoor and indoor facilities to meet a wider range of recreation interests as identified pursuant to Policy C.1.1.3 above, and will preferably contain Neighbourhood level facilities;
 - ii) The preferred location for a Community PARK is adjacent to a public or separate secondary or junior-secondary School, or in conjunction with a natural area; and,
 - iii) Community PARKS will be designed and located so as to be accessible by private and public transportation.
- 1.1.7 Council will encourage co-operation from local School Boards in the sharing of School grounds to supplement the supply of PARKLANDS. Accordingly, Council may enter into joint-use agreements with an affected School Board. In areas where a deficiency in PARKLAND has been identified, Council may endeavour, through such agreements, to utilize an appropriate additional area of the School site for recreation purposes to offset the deficiency. However, such sharing of the additional area will not alter the degree that PARKLANDS in a particular area remain deficient, but will be deemed to supplement existing facilities until more area can be provided.

- 1.1.8 Where School sites exceed, or fall short of, the objectives for site area set out in Subsection C.1.2 of this Plan, Council may respectively decrease or increase the PARKLAND objectives set out in Policy C.1.1.1 above by an amount up to the surplus or deficiency of School sites. Moreover:
- i) Neighbourhood PARKLAND objectives will be decreased or increased where there is a surplus or shortfall of School sites in accordance with the objectives for public and separate elementary and junior high Schools set out in Subsection C.1.2; and,
 - ii) Community PARKLAND objectives will be decreased or increased where there is a surplus or shortfall of School sites in accordance with the objectives for high Schools set out in Subsection C.1.2.
- 1.1.9 Notwithstanding Policy C.1.1.1, Council may consider a lower PARKLAND objective in those neighbourhoods where a Neighbourhood and Community PARK may feasibly be combined on the same site.
- 1.1.10 Where a Neighbourhood or Community PARK, or combination thereof, is adjacent to a School site, Council may lower the necessary PARKLAND objective(s) by up to 20 per cent.
- 1.1.11 Where feasible and deemed appropriate, CITY-WIDE PARKS will be provided and developed in accordance with the following provisions:
- i) CITY-WIDE PARKS will provide the residents of the City with natural areas in which they can engage in a variety of recreational activities, or will serve as focal points for major outdoor civic activities or provide specialized facilities such as stadia, arenas, golf courses, and where deemed warranted by Council, may also include facilities for picnicking and camping;
 - ii) CITY-WIDE PARKS will be accessible by both public and private transportation, and;
 - iii) In the development or redevelopment of arenas, stadia, golf courses or similar major recreation facilities, Council will be satisfied that the facility:
 - a) will not generate unacceptable increase in traffic movements through adjacent Residential areas;
 - b) is readily accessible from major roads;
 - c) is designed at a scale and in a manner which minimizes impacts with adjacent land uses; and,

d) is provided with adequate on-site, off-street parking.

1.1.12 Further to the intent of Subsection B.3.4 of the Plan, where feasible, lands such as those along watercourses or easements may be added to the PARKLANDS System to establish a continuous system of walkways, paths and other 'links' to facilitate direct access to PARKS and other pedestrian destination 'nodes' within the City. These 'links' will be free of structures other than those that may be necessary for a public work or environmental protection function, or as an adjunct to the recreational use. Further:

- i) Lands along watercourses will be preserved in a continuous and natural state, where appropriate, and be readily accessible to area residents, where possible; and,
- ii) Where improvements to the drainage pattern of watercourses are undertaken, consideration will be given to the preservation of existing vegetation and the integration of these improved watercourses into the PARKLANDS System by means of suitable grade variations and landscaping treatment which will be utilized, where practicable, in conjunction with any engineering works or flood-relief program initiated for the watercourses.

1.1.13 In accordance with the intent of the Regional Official Plan, Council will cooperate with the Region and supra-regional agencies in determining the requirements of regionally-significant recreation areas. In addition, Council will partake in any recreation study that might be initiated by the Region.

Subsection C.1.2 - Schools

Recognizing that the responsibility for SCHOOLS is vested with the Hamilton Board of Education and the Hamilton-Wentworth Roman Catholic Separate School Board, it is the general intent of this Plan to provide information on which decision for provision of SCHOOLS may be based. It is intended that SCHOOLS be located so that they are accessible to all students with a minimum exposure to traffic hazards. Where feasible in the newly-developing areas of the City, it is intended that SCHOOL facilities be integrated into the general design of the neighbourhood and be developed in conjunction with a Park so that they may operate together as a unit to maximize the use of the facilities by residents in the immediate area.

1.2.1 It is the intent of Council to co-operate with the School Boards where new SCHOOL facilities may be contemplated and encourage the Boards to consider the following site factors where feasible:

- i) A location close to the centre of the Neighbourhood or the area to be served, but reasonable variations may be made in locations to permit integration with Parks or other public facilities;
- ii) A site of sufficient size to accommodate educational requirements and reasonable future expansion of the facility when warranted, based on the following objectives:

<u>SCHOOL TYPE</u>	<u>SCHOOL SITE OBJECTIVE PER 1,000 POPULATION SERVED (HECTARES)</u>
Separate or Public Elementary Schools	Not less than .5
Junior High or High Schools	Not less than .25

- iii) Where new Public and Separate SCHOOLS are required to serve a particular area, consideration should be given to locating these in such a manner that the sharing of facilities can be achieved in a campus-like setting to optimize the use of a common site, parking and playground and to take advantage of economies in construction and maintenance that may be gained thereby.

1.2.2 Where a SCHOOL site is not adjacent to an existing or proposed Neighbourhood or Community Park, Council may encourage increasing the desired SCHOOL site area set out in Policy C.1.2.1 above by up to 25 percent.

- 1.2.3 In developed Neighbourhoods, where an older School is to be replaced or relocated, the appropriate School Board will be encouraged to improve the level of service in the area by means such as, but not limited to, modification of SCHOOL district boundaries or expansion of existing SCHOOLS nearby to improve accessibility by the student population.

Subsection C.1.3 - Library Services

While it is intended that the existing inventory of LIBRARY SERVICES will continue to serve City residents, auxiliary facilities may be required when both population growth and user demands warrant. Since it is difficult to anticipate this demand by identifying the number and location of auxiliary LIBRARY SERVICES, it is the intent of this Plan to provide policy direction to assist decision-making for this eventuality to optimize their distribution and accessibility relative to users.

- 1.3.1 Should established LIBRARY facilities become functionally and locationally inadequate to serve area residents due to population growth and user demands, Council will encourage the Hamilton Public Library Board to provide alternative or additional branch LIBRARIES. To ensure the provision of suitable LIBRARY sites, Council will encourage the inclusion of the Library Board in the planning of civic developments. LIBRARIES should be located in accordance with the following provisions:
- i) A location in a Multi-Centre of the area to be served and/or in conjunction with other Community Services and readily accessible by pedestrian and vehicular modes of transport will be preferred;
 - ii) Where a Multi-Centre is to be developed in an older neighbourhood, or is to be improved by the addition of Community Services, the provision of LIBRARY facilities will be encouraged by the inclusion of the Library Board in planning discussions; and,
 - iii) Where feasible and in co-operation with the appropriate School Board, the public use of existing Secondary Schools' LIBRARY facilities after regular School hours will be encouraged, provided that the School serves as part of a Multi-Centre, and that the location meets the requirements of C.1.3.1 i) above.
- 1.3.2 The Hamilton Public Library Board will be encouraged to continue to co-operate with the South Central Regional Library System in order to maximize and enhance the level of service to City residents.

Subsection C.2 - Safety and Convenience

In achieving the Land Use and Management Strategy set out in this Plan, Council recognizes the necessity of achieving SAFETY AND CONVENIENCE for all residents of the City. Accordingly, policies are provided which may directly benefit the community, and which are intended to complement the normal functions of local protective service agencies.

- 2.1 Council will encourage co-operation amongst public agencies, private landowners and municipal protective services to ensure the provision and maintenance of adequate access to facilitate effective emergency service.
- 2.2 Council will consider appropriate by-laws, encouragement or other actions which may be deemed to have potential in maintaining security to persons or property. In this regard, consideration may be given to such matters as, but not limited to, the following:
 - i) Review and/or establishment of adequate illumination standards in parking garages, alleyways or other high-risk areas;
 - ii) The use of light-coloured building materials and finishes along alleyways to facilitate nighttime surveillance;
 - iii) The use of glass doors in such low-visibility areas as stairways, parking garages, elevator foyers, etc.;
 - iv) The location of cashier counters and limitations on the obscuring of windows by promotional material in stores licensed for late operation; and,
 - v) Ensuring that low-traffic areas in Shopping Centres such as washrooms, stairwells, elevators, telephone locations and hallways are designed to be in close proximity to the general activity areas of the development.
- 2.3 Council will endeavour to foster personal mobility through measures such as, but not limited to:
 - i) The ramping of sidewalks;
 - ii) The requirement of adequate access by ramps, elevator or other means to all publicly accessible buildings;

- iii) The reservation of conveniently located parking spaces at civic buildings for use by the physically disabled, and encouragement for the provision of such parking at all other public and private buildings; and,
- iv) Co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled.

Subsection C.3 - Tree Planting and Landscaping

It is the intent of this Plan that the streetscape be enhanced by the retention of existing vegetation, the promotion of the widespread growth of TREES and the provision of LANDSCAPING. In general, a program of PLANTING, preservation and LANDSCAPING will be encouraged to enhance the amenity and appearance of the City.

- 3.1 In all public works, no TREES will be removed unnecessarily and TREES that must be removed for the purpose of public works installations will, where desirable and practicable, be replaced as soon as possible to enhance the final appearance of these installations.
- 3.2 When considering a plan of subdivision or any other development proposal, Council may require that the owner enter into an agreement whereby:
- i) Only such TREES that would directly impede the construction of buildings and services may be removed and, if so, the developer will replace them in reasonable time by TREES of similar species and of sufficient maturity to enhance the appearance of the subdivision when completed;
 - ii) A reasonable minimum number of TREES and/or other suitable vegetation per lot may be required of the developer regardless of the state of the area prior to being subdivided or developed;
 - iii) Existing TREES which are not removed will be adequately protected during the construction process, and the roots protected to ensure continued growth; and,
 - iv) Where parking lots and other large open spaces are provided, and in open areas around Commercial and Major Institutional Uses and large buildings, Council will encourage, and may require as a condition of development or redevelopment, the provision of LANDSCAPING AND TREE PLANTING sufficient to enhance the physical appearance of the site and surrounding lands.

Subsection C.4 - Pollution

It is the intent of Council that POLLUTION of the air, water and land in its many forms be prevented, mitigated or otherwise controlled.

- 4.1 Council will encourage appropriate Provincial and Federal agencies, including any International Joint Commission, to achieve a continuing reduction in levels of POLLUTION originating beyond the Region.
- 4.2 Council will control domestic, commercial, industrial and other sources of POLLUTION by appropriate by-laws or other means as may be provided for in Provincial Statutes.
- 4.3 No development will be permitted unless it is of a standard that will conform with the current policies of the Provincial Government regarding air, noise and water POLLUTION.
- 4.4 Council will encourage and cooperate with all relevant agencies to reduce levels of POLLUTION in Lake Ontario, Hamilton Harbour, Cootes Paradise and watercourses within the City. Further, Council will co-operate with the Region to ensure that all effluent discharged into these waters by industry, storm sewers, the municipal sewage treatment plant or from other municipal sources will be of sufficient quality to satisfy the minimum standards established by the Ministry of the Environment for recreational use of these waters.
- 4.5 Council will encourage the appropriate agencies to ensure that landfill sites which are exposed to the erosional forces of wind and/or wave action and surface water drainage are adequately secured according to established engineering practice and landscaped to the satisfaction of the Ministry of the Environment, Ministry of Natural Resources and Conservation Authorities having jurisdiction.
- 4.6 Council will require, as a condition of development or redevelopment, measures to mitigate generation of POLLUTION, such as, but not limited to:
 - i) Daily removal of tracked debris from roads serving a construction site;

- ii) A reasonable guarantee for the completion of resodding, paving or other measures to stabilize exposed soils; and,

- iii) The expeditious removal of demolished buildings and structures.

4.7 To reduce levels and sources of wind-borne dust in the City, Council may require that all permanent Parking areas be hard-surfaced with a suitable dust-free material. Council may alternatively permit temporary or other Parking areas which are regularly treated with appropriate dust controlling agents to be gravelled.

4.8 Council will minimize the re-entrainment of dust from municipal roads, and will encourage the Region to do the same for roads under its jurisdiction, by means such as, but not limited to:

- i) Regular and frequent cleaning of roads and sidewalks;

- ii) Minimizing speed limits on unpaved roads; and,

- iii) Application of dust control agents on unpaved roads.

Subsection C.5 - Property Maintenance and Municipal Housekeeping

It is the intent of Council to encourage the development and maintenance of an efficient and pleasing environment for living, working and the pursuit of all other activities. In order to do so, this Plan attempts to maintain existing development in good repair, improve the quality of development that has deteriorated, replace development that has declined to the point where it cannot be satisfactorily and economically rehabilitated, and to control the quality of new development.

- 5.1 Council will endeavour to maintain and improve the condition of all properties through enforcement of Zoning, Building and Health By-laws.
- 5.2 Council will enforce By-laws pursuant to The Planning Act:
 - i) Setting forth Property Standards for the maintenance and occupancy of all property within the City;
 - ii) Prohibiting the use or occupancy of any property that does not conform to the standards;
 - iii) Requiring property to be repaired and maintained to comply with those standards; and,
 - iv) Requiring lands cleared of buildings or structures to be left in a graded and levelled condition and free of debris or refuse.
- 5.3 Council will endeavour to raise the standards of new development, both intrinsically and in relation to the immediate environment, through the strengthening and wider application of site plan control policies pursuant to The Planning Act.
- 5.4 On its own initiative and complementary to the enforcement of Property Standards on private properties, Council will undertake to keep in a fit and well-maintained condition all municipal properties and structures, and to provide, or maintain in good repair, such municipal services as roads, sidewalks, water and sewage facilities and other public works.

Subsection C.6 - Historic and Architectural Resources

The intent of this Plan is to sensitively manage the wealth of local resources. It is intended that those resources of HISTORIC AND ARCHITECTURAL merit will be preserved, where feasible, and to enhance the character and heritage of Hamilton. However, preservation alone may clutter the City with functionally obsolete or static structures. Accordingly, it is further intended that appropriate measures be established to meld preservation with rehabilitation to ensure that these resources will be recycled for active use and be instrumental in setting the visual character of the City.

- 6.1 In accordance with the intent of the Regional Official Plan, Council will consult with the Local Architectural Conservation Advisory Committee to advise in matters relating to ARCHITECTURAL conservation. In particular, this Committee may be required to periodically identify and catalogue buildings of ARCHITECTURAL AND HISTORIC significance that are worthy of preservation through individual designation as Buildings of Historic or Architectural Value under the provisions of The Ontario Heritage Act.
- 6.2 In accordance with the intent of the Regional Official Plan, Council, in consultation with the Local Architectural Conservation Advisory Committee, may designate a Heritage Conservation District under the provisions of The Ontario Heritage Act where it has been determined that some or all of the following characteristics have been identified:
- i) The majority of the buildings reflect an aspect of local history by nature and HISTORICAL significance of setting;
 - ii) The majority of the buildings are of a style of architecture or method of construction significant HISTORICALLY or ARCHITECTURALLY to the City, Region or Province;
 - iii) The District contains other important physical, environmental or aesthetic characteristics that, in themselves, are not sufficient for designation, but which lend support in evaluating the criteria for designation; and,
 - iv) The District is in an area of special association that is distinctive within the City and, as a result, contributes to the character of the entire community.
- 6.3 Prior to the designation of a Heritage Conservation District, Council will meet the following provisions:

- i) Pass a by-law of intent to define and investigate an area;
 - ii) Prepare and adopt a Heritage Conservation District Plan which will encourage conservation through controls and incentives, and establish criteria for controlling demolition and regulating design; and require the endorsement of the Ministry of Culture and Recreation; and
 - iii) Pass a by-law designating the area as a Heritage Conservation District, subject to Ontario Municipal Board approval which will permit the City to regulate ARCHITECTURAL design within the District.
- 6.4 In accordance with the intent of the Regional Official Plan, Council will fully co-operate with the Region and/or any Regional Heritage Foundation that may be established in the management of regional HISTORICAL resources.
- 6.5 Major development or redevelopment will not take place within, or in close proximity to, Residential areas having HISTORICAL or ARCHITECTURAL merit, where Council determines that such development or redevelopment will detract from, or indirectly impair, the character, quality, amenities, or stability of the Residential areas.
- 6.6 Encouragement may be given to Commercial development schemes, in appropriate locations, proposed to incorporate a building, or group of buildings, with HISTORIC character or ARCHITECTURAL value, and to proposals which utilize buildings or lands serving obsolete functions and which are, therefore, underutilized or vacant.
- 6.7 Council recognizes that there are sites with archeological significance within the City that are worthy of conservation. Accordingly, where there is a reasonable expectation that archeological potential exists, Council will consult with the Ministry of Culture and Recreation for advice concerning the conservation and protection of such sites.

Subsection C.7 - Residential Environment and Housing Policy

It is the general intent of this Plan to promote a high standard of RESIDENTIAL and urban amenity and the provision of an ample and varied supply of dwelling types to cater to the needs of all income groups. While it is expected that single-family housing will continue to be the dominant housing requirement, a latent demand for multiple-family housing is recognized. In providing for these demands, an amenable mixture of densities and an arrangement that will minimize conflicts between different forms of housing is desired.

- 7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
 - ii) Alteration of traffic flows;
 - iii) Improvement and maintenance of street landscaping;
 - iv) Acquisition, removal or improvement of buildings or uses incompatible with a zoning district;
 - v) Provision of advice and assistance in the improvement and maintenance of private dwellings;
 - vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;
 - vii) The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial Uses; and,
 - viii) Other similar actions or matters as Council may deem appropriate.
- 7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- 7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- i) Encourage the maintenance of RESIDENTIAL properties subject to the provisions of Subsection C.5;
- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- iv) Encourage the responsible public agencies to provide low- cost and/or senior citizen housing at appropriate locations throughout the City;
- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;
- vi) Encourage the rehabilitation of dwellings as an alternative to demolition in appropriate locations and instances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area; and,
- vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient.

7.4 When reviewing proposed plans of subdivision and Neighbourhood Plans, Council will consider:

- i) The existing supply of land designated for RESIDENTIAL use remaining undeveloped throughout the City in light of the Development and Servicing Extension policies of Subsection B.1; and (O.P.A. No. 22)
- ii) The housing targets established by Council.

7.5 Council will annually monitor the supply and production of new housing, update housing targets, revise priorities and/or identify POLICY changes in order to better achieve the housing targets.

7.6 To accommodate changing housing market demands, Council, when considering the changes described in Policy C.7.5 above, may also:

- i) Revise current, or prescribe new, practices and procedures for the detailed pre-design of Planning Units by Neighbourhood Plans;

- ii) Initiate amendments to the Zoning By-law; and,
 - iii) Establish, as a density standard for the preparation of Neighbourhood Plans, "dwelling units per net Residential hectare".
- 7.7 For the purposes of making the changes in Policy C.7.6, Council will include the following:
- i) The extent to which overall higher densities of RESIDENTIAL dwellings have been achieved in developing Neighbourhoods;
 - ii) The trends in persons per unit based on the type of dwelling unit; and,
 - iii) The number of dwelling units required to accommodate approximately ninety (90) persons per gross hectare of Residentially designated land. (O.P.A. No. 27)
- 7.8 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to Arterials or Inter-Regional Highways and Railway lines.
- 7.9 Council will endeavour to minimize impacts on outdoor recreational space of new development from noise in excess of 55 decibels (dBA) generated by adjacent existing or proposed Arterials, Inter-Regional Highways or Railway lines.
- 7.10 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. RESIDENTIAL development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA.
- 7.11 Council will, in co-operation with the appropriate authorities, undertake to identify those existing or proposed Arterials, Inter- Regional Highways or Railway lines where forecast noise levels will, subject to the policies herein, require the provision of noise attenuation measures. For the purposes of the above, "noise levels" will be the A-weighted 24-hour equivalent (Leq) sound level based on either the Average Annual Daily Traffic (AADT) data, or, where available, the Summer Average Daily Traffic (SADT) data, whichever is higher.

- 7.12 Prior to the application to new development of noise attenuation policies herein, Council will establish as policy, those Arterials, Inter-Regional Highways or Railway lines identified pursuant to Policy C.7.11 above as requiring noise attenuation measures.
- 7.13 Noise attenuation measures will include, but not be limited to, the following:
- i) Sound-proofing measures and construction techniques, general layout and design of the structure or outdoor recreational space with respect to noise sources;
 - ii) Spatial separation from the source, including the insertion of permitted sound-insensitive uses between source and receivers;
 - iii) Building setbacks;
 - iv) Acoustical barriers such as berms, walls, favourable topographic features or other intervening structures; and,
 - v) The use of suitably designed higher density Residential structures.
- 7.14 Council will co-operate with and encourage the Ministry of Transportation and Communications to achieve an attenuated sound level as low as practicable below 70 dBA where a major road is proposed to be built or expanded through, or adjacent to, a designated RESIDENTIAL area.
- 7.15 Council will encourage the Province to investigate and establish appropriate guidelines to attenuate the transmission of noise and vibration from Arterials, Inter-Regional Highways and Railway lines into the interior spaces of Residential dwellings. Additional policies in this regard will be incorporated through amendments to this Plan.
- 7.16 Where noise levels are expected to exceed 55 dBA in outdoor recreational spaces after the implementation of sound attenuation measures, Council will require, as a condition of approval of proposed RESIDENTIAL development, that future tenants or purchasers are advised that, despite the inclusion of noise control measures, noise levels may become of concern, occasionally interfering with some activities of the occupants. Such a warning provision will be registered on title or included as a clause in any Lease or Rental Agreement.
- 7.17 Where new RESIDENTIAL development for which noise control measures will be required precedes the construction of an Arterial, Inter-Regional Highway or Railway line, Council may require, as a condition of approval, that:

- i) Sufficient lands be conveyed at no cost for the erection of a noise barrier; and,
- ii) A pro-rated cost contribution be made by the proponent prior to final approval for construction of a noise barrier, where deemed appropriate by Council.

7.18 On receiving an application for proposed RESIDENTIAL development within one (1) kilometre from the edge of an existing or proposed Arterial, Inter-Regional Highway or Railway right-of-way identified by Council as requiring attenuation measures, Council will:

- i) Encourage the proponent to contact the Ministry of the Environment for guidance in the attenuation of noise impacts on outdoor recreational space; and,
- ii) Require the proponent to comply with any regulation or measure as may be prescribed by the Ministry.

7.19 In any evaluation of noise levels for the purposes of the provisions of this Subsection, due consideration will be given to forecast increases in noise levels for at least ten (10) years.

Subsection C.8 - Energy

It is the intent of this Plan to promote ENERGY conservation in all areas of the City. Accordingly, development will be encouraged which minimizes ENERGY consumption and emphasizes the use of renewable ENERGY sources. Further, it is the intent of this Plan to encourage employment opportunities in developing and undeveloped Planning Units to reduce the work-to-home journeys. (O.P.A. No. 14)

8.1 To promote ENERGY efficiency in the growth and management of the City, Council will endeavour to achieve the following:

- i) Investigate and evaluate existing development practices and identify where new and innovative ENERGY efficiency measures, such as the use of the sun as an ENERGY source, can be introduced by the development industry;
- ii) Encourage proponents of future development and/or redevelopment to adopt, and incorporate in their proposals, ENERGY saving measures to optimize the use of ENERGY sources;
- iii) Seek legislative powers to require design criteria in development and redevelopments that ensure ENERGY conservation;
- iv) Formulate ENERGY-oriented planning policies, with particular emphasis on mixed use, compact and higher density development and any other ENERGY efficient development forms;
- v) Co-operate with the appropriate public and private agencies to inform the public of ENERGY concerns and promote ENERGY conservation;
- vi) Co-operate with other levels of government and private industry to assess the merit of new and innovative ENERGY conserving measures applicable to the City;
- vii) Promote the reduction of ENERGY consumption and dependency on non-renewable ENERGY sources, particularly in all City owned, maintained, and/or operated facilities;
- viii) Encourage greater use of Public Transit facilities as a means of conserving ENERGY; and,
- ix) Co-operate with the Region to develop an efficient waste recycling program to protect and conserve the supply of natural resources and ENERGY. (O.P.A. No. 14)

8.2 Council will require that new residential areas of the City be planned in an ENERGY efficient manner. Accordingly, it is intended in the preparation of Neighborhood Plans, the following criteria be utilized to establish an ENERGY efficient land use pattern:

- i) Define the energy characteristics of the environment and land form including surface feature and drainage patterns by:
 - a) utilizing climatic data, such as, but not limited to, air quality, temperature fluctuations, hours of sunlight, heating and cooling degree days, precipitation and wind speed frequency/direction;
 - b) constructing a topographic profile including slope gradient and orientation; and,
 - c) evaluating all natural and man made features;
- ii) Design a street pattern by:
 - a) aligning Local Roads in a direction that maximizes the use of solar ENERGY;
 - b) minimizing the length of Local Roads and reducing pavement widths; and,
 - c) limiting the number of access points from Collector Roads to Arterial Roads; and,
- iii) Distribute housing types in a manner that would maximize ENERGY conservation.
(O.P.A. No. 14)

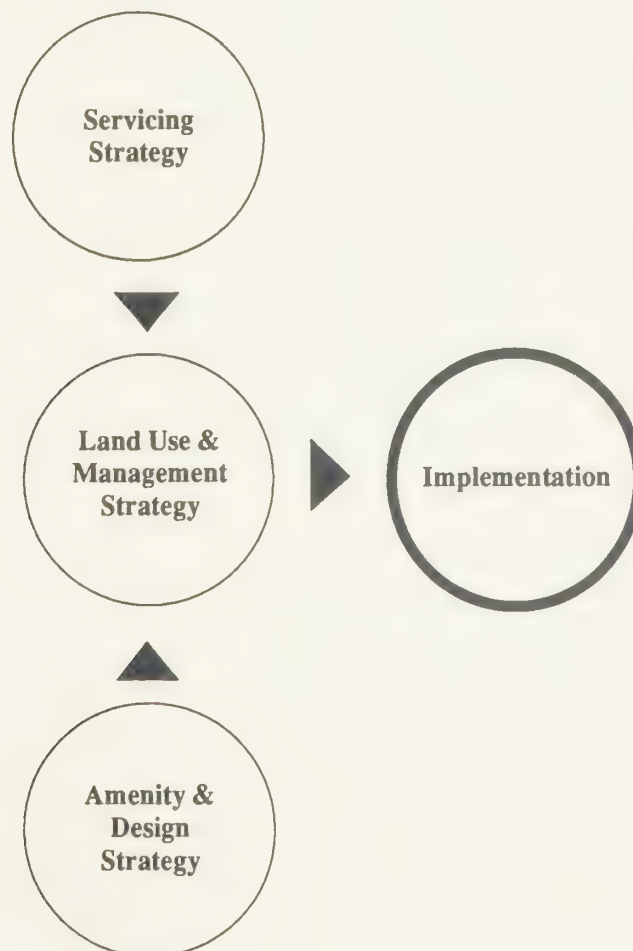
8.3 Council will require that in the design of any development and or redevelopment proposals, the following features be incorporated, where possible:

- i) The orientation of buildings in a manner that maximizes the use of direct solar ENERGY;
- ii) The elimination or reduction of shadow casting onto adjacent existing and approved buildings; and,
- iii) The utilization of proper siting of plant material, having regards to their shadow casting and windbreaking abilities. (O.P.A. No. 14)

SECTION D - IMPLEMENTATION

The procedure for the IMPLEMENTATION of the policies set out in this Plan will generally be through successively more detailed steps in the planning process, particularly Neighbourhood Plans and Zoning By-laws. Neighbourhood Plans may be undertaken following adoption of this Official Plan in which the general policies set out here are refined and amplified. More specific procedures will be followed through powers given to the City through The Planning Act, The Municipal Act and other applicable statutes.

The prime effect of this Plan will be on public works, whose conformance with it is mandatory, and on land use and development which will be regulated through a Zoning By-law. To be fully and properly effective, the policies will require the full co-operation of the Municipal, Regional and Provincial governments. The policies have been predicated on this assumption and the formal process of adoption by Council and approval by the Region and the Minister of Municipal Affairs and Housing will be taken as evidence of commitment to the objectives and policies herein. In order that it may be kept up to date and the need for additional studies determined, the Plan will be subject to a comprehensive review at not longer than five-year intervals.



Subsection D.1 - Regional Official Plan

In keeping with the requirements of Bill 155, An Act to Establish the Regional Municipality of Hamilton-Wentworth, it is intended that this Plan and subsequent implementing procedures conform with the REGIONAL OFFICIAL PLAN.

- 1.1 It is the objective of Council that this Plan, subsequent amendments, Neighbourhood Plans and by-laws conform with the REGIONAL OFFICIAL PLAN.
- 1.2 Council will not approve amendments to this Plan, Neighbourhood Plans or by-laws which do not conform with the REGIONAL OFFICIAL PLAN, but may request initiation of amendments to the REGIONAL OFFICIAL PLAN when warranted.
- 1.3 Proposed amendments to this Plan, Neighbourhood Plans and revisions thereto, and implementing by-laws will be circulated to the Region of Hamilton-Wentworth for its consideration and for certification of compliance to the REGIONAL policy.

Subsection D.2 - Planning Units and Neighbourhood Plans

To provide a geographical basis for the more detailed planning of Hamilton, the City is divided into a system of PLANNING UNITS. This system is designed to provide a framework for the administration of this Official Plan and for the successive stages in its Implementation. It also forms a basis for the maintenance of statistical and other support data, and for co-ordinating the provision of services and community facilities with anticipated population growth.

The make-up of the PLANNING UNITS is designed to reflect the existing development pattern, as well as major physical features and land use concentrations. It is the general intent of the Plan that the identity of the PLANNING UNITS will be enhanced and that all development will be planned in ways which will improve this identity.

PLANNING UNITS will contain a mixture of low, medium and, in some areas, higher density dwelling types. The range of densities will be determined in accordance with the needs of the population identified from time to time, and at an overall density standard which takes into account the availability of existing or planned commercial and community facilities, capacity of Schools, public services, and the adequacy of public open space to serve anticipated residents of the Neighbourhood.

- 2.1 It is intended that the implementation of this Plan will be carried out through the preparation of new or the revision of existing NEIGHBOURHOOD PLANS for each PLANNING UNIT as identified on Schedule "G". The PLANNING UNITS average 80 hectares in size and are generally defined by the grid-iron pattern of major roads, by natural features, and/or by the municipal boundary. (O.P.A. No. 27)
- 2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN. However, Council may permit a minor extension to or the intensification of an existing use or a use that is deemed temporary which does not meet the intent of the NEIGHBOURHOOD PLAN, provided that such a use is appropriately regulated in the Zoning By-law. (O.P.A. No. 27)
- 2.3 Developing or undeveloped PLANNING UNITS will be grouped to form "Communities", consisting of up to four (4) predominantly Residential Neighbourhoods and a "Multi-Centre", as indicated on Schedule "G". It is intended that the Multi-Centres will contain a variety of land uses, combining to create a vibrant and functional focus for community life. In this regard, within the Multi-Centre, Council will:

- i) Provide for sufficient Shopping Centre Commercial development to serve the community, subject to the policies set out in Subsection A.2.2;
- ii) Ensure the integration of related community facilities, such as Libraries, Secondary Schools, Parks, churches or community centres, as well as multi-family residential development;
- iii) Encourage the development of land uses providing employment opportunities for residents of the community;
- iv) Promote designs which are oriented to the pedestrian, and to increased energy efficiency; and,
- v) Detail the distribution of land uses through NEIGHBOURHOOD PLANS, subject to necessary amendments to this Plan. (O.P.A. No. 27)

2.4 It is intended that each PLANNING UNIT which is substantially designated for Residential purposes on Schedule "A" will be developed with a focus which may consist primarily of a School and/or Park in the interior of the Neighbourhood, as well as an adequate complement of appropriate Institutional and Commercial facilities, and a variety of dwelling types. (O.P.A. No. 27)

2.5 NEIGHBOURHOOD PLANS for the PLANNING UNITS will indicate the location of proposed Arterial, Collector and Local roads; the location of community facilities such as Park areas, open spaces and School sites; the location and extent of lands set aside for Commercial or Institutional purposes; the distribution and mix of housing of varying densities; and the location and basic design of major Engineering Services and public utilities. When preparing NEIGHBOURHOOD PLANS, Council will consider the following:

- i) The preferred location for new Residential development or redevelopment will be:
 - a) for multiple dwellings and high traffic generating uses beyond the Central Policy Area, at nodes created by the intersection of Arterial and Collector roads, with preference given to access by these roads; and,
 - b) for low-density uses on Local and Collector roads, with preference given to access by these roads only;
- ii) That Residential development or redevelopment will be properly protected from conditions which Council determines may directly or indirectly have a noxious or otherwise detrimental effect on the health, safety or welfare of the residents;

- iii) That all buildings, structures, facilities, services and any thing or matter that may cause the conditions referred to in Policy D.2.5 ii) above will be designed in such a manner as to be in keeping with the character of the Residential development or redevelopment;
- iv) Encouragement for the provision and maintenance of multi-level parking facilities, preferably underground, for high-density Residential development which may serve to provide increased on-site open space and buffering for adjacent uses. Such facilities will be designed in a manner satisfactory to Council that provides adequate precautions for the safety of users;
- v) In the design of developing Residential Neighbourhoods, the street pattern and subdivision layout will be to the satisfaction of Council, Energy efficient, provide access to all areas, and will:
 - a) discourage through-traffic internally;
 - b) discourage direct access off major roads to Neighbourhood Parks and Schools;
 - c) where appropriate, identify measures to mitigate the impact of rail and vehicular noise on existing and proposed Residential development; and,
 - d) be sensitive to the protection and utilization of natural or man-made features having cultural, aesthetic or other value;
- vi) The establishment of pedestrian access from Residential development to:
 - a) neighbourhood Parks and Schools internally within the Neighbourhood; and,
 - b) public Transit routes, commercial nodes, churches or similar land uses;
- vii) No new Residential development or redevelopment will be located so as to be subjected to the impacts of through-industrial traffic or any other heavy traffic flows unless it is suitably protected by buffers, setbacks, or other such measures to the satisfaction of Council;
- viii) The preferred location and development of Residential dwellings will be in proximity to, or will be coincidental with, the planning for the provision of the following to accommodate the probable requirements of prospective residents:
 - a) public open space;
 - b) recreation and community facilities;

Subsection D.3 - Zoning By-law and Site Plan Control

It is intended that the principal means of implementing this Plan and regulating land use will be by ZONING BY-LAW and SITE PLAN CONTROL. Accordingly, Amendments to the ZONING BY-LAW will be introduced for the purposes of conformity. It is intended that land not be rezoned in order that the SITE PLAN and other details will be previewed prior to development going ahead. In this matter, amenity and design, population density, public works' requirements, environmental concerns, and all other related policies of this Plan, or any Neighbourhood Plan, may be reviewed and appropriate ZONING regulations applied. (O.P.A. No. 15)

- 3.1 In general, it is intended that this Plan will be implemented by the ZONING BY-LAW. Accordingly, development proposals will be required to comply with this Plan or any affected Neighbourhood Plan; and, where necessary, will require an amendment to the ZONING BY-LAW to ensure conformity. (O.P.A. No. 15)
- 3.2 Special ZONING provisions may be established where road widening, access, parking, amenity provisions, design characteristics, public works and other related matters are required or need to be maintained. Further:
 - i) Agreements will be entered into between the City and the developer, and enforced to ensure that the policies applicable to these matters in this Plan are implemented; and,
 - ii) The issuance of building permits may be prohibited until the above agreements have been entered into and it is established that the policies in this Plan have been complied with.
- 3.3 Council, where deemed appropriate, will apply the holding provision of the ZONING BY-LAW, pursuant to The Planning Act, to specify the ultimate use of those lands which are contemplated for development or redevelopment at some time in the future. Thereby, Council will be able to preview proposals prior to development or redevelopment to ensure that it is compatible with surrounding land uses. The holding provision of the ZONING BY-LAW will be identified by the symbol "H" in the ZONING BY-LAW and applied under one or more of the following circumstances:
 - i) When land assembly is required to permit orderly development or redevelopment;
 - ii) If the level of Engineering and/or Community Services is not adequate to support the ultimate use;

- iii) Where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures; and,
- iv) Where an area must undergo further study, or where a detailed design plan is required, as designated in this Plan, or as will be determined by an Amendment to this Plan from time to time. (O.P.A. No. 15)

3.4 Further to Policy D.3.3 above, Council will enact a ZONING BY-LAW to control the use of land within, and abutting, Environmentally Sensitive Areas as shown on Schedule "D" to the existing use. Further:

- i) Prior to a change in the ZONING BY-LAW, Council will be satisfied that the proposed change is compatible with the preservation of the Environmentally Sensitive Area. For this purpose, Council may further require a Feasibility Study and Impact Analysis in keeping with the special provisions for Environmentally Sensitive Areas detailed in Subsection A.3.2 of this Plan; and,
- ii) Prior to granting any change, Council may consider entering into agreement with the owner to preserve all or part of the Environmentally Sensitive Area in a natural or undisturbed state.

3.5 In accordance with Subsections A.2.1, A.2.2, A.2.8.9, and A.2.9.3, Council may, where deemed appropriate, permit bonuses to increase the height and/or density of development or redevelopment than otherwise permitted in the ZONING BY-LAW, where the proponent of such an undertaking provides such facilities, services, and other matters as may be set out in the ZONING BY-LAW. (O.P.A. No. 15)

3.6 In accordance with The Planning Act, it is intended that SITE PLAN CONTROL measures be utilized to minimize impacts of potentially incompatible uses, to maintain or enhance the existing character of an area, to ensure a safe and attractive environment, and to implement City and Regional standards.

Accordingly, the entire area within the corporate limits of the City of Hamilton will be a Proposed SITE PLAN CONTROL Area. Specific areas and uses where SITE PLAN CONTROL is to apply will be established by BY-LAW. Conservation, open space, and agricultural uses will be exempt from SITE PLAN CONTROL. Low density Residential, and general and heavy Industrial uses will not be subject to SITE PLAN CONTROL, unless required as a condition of approval of a rezoning or subdivision application, a Committee of Adjustment application, a Land Division Committee application, or for heritage structures and special areas.

However, in medium and high density Residential areas, Council may require in accordance with the Planning Act, drawings showing plan, elevation and cross-section views for any building to be used for Residential purposes of less than twenty-five (25) dwelling units. (O.P.A. No. 15)

- 3.7 In accordance with The Planning Act, Interim Control By-laws may be used to limit the use of lands or buildings where Council has directed a study of land use planning policies in a defined area of the City. The provision of The Planning Act regarding timing, notice, and appeals of these By-laws will apply. (O.P.A. No. 15)
- 3.8 In accordance with The Planning Act, Temporary Use By-laws may be used to permit the use of lands, buildings, or structures, on a temporary basis, for any purpose as may be specified in the said By-law. The provisions of The Planning Act regarding timing and extensions to such By-laws will apply. (O.P.A. No. 15)

Subsection D.4 - Financial Stability

In implementing this Plan, it is essential that the municipal tax base be protected and that sufficient funds are generated to maintain and improve the levels of public works. Accordingly, further developments may be scrutinized for their financial impact. Developments that are shown to have adverse implications for the financial health of the City will be considered contrary to the intent of this Plan.

- 4.1 If residential developments or redevelopments are proposed in areas where Neighbourhood Plans do not exist, Council, as a pre-condition for development approval and amendment to this Plan, may require a financial impact statement that will show the effects on:
- i) The net long-term debt liabilities and the annual charges for these;
 - ii) The assessment ratio and per capita assessment;
 - iii) The costs for social services; and,
 - iv) The existing mill rates and taxation levels.
- 4.2 Where a major development proposal is made in an area where a Neighbourhood Plan does not exist, and which is considered to have a potentially adverse effect on the costs of the provision of municipal services, Council may require the developer to:
- i) Secure appropriate non-residential developments that will offset the adverse effects; or,
 - ii) Agree, by way of a subdivision agreement, to the payment of a levy which, in the opinion of the City, will offset the adverse effects.
- 4.3 If an agreement with the developer cannot be reached in accordance with the previous policy, the developer will be required to:
- i) Modify the proposal so as to mitigate or eliminate the adverse effects; or,
 - ii) Defer implementation of the proposal until the financial circumstances of the City improve to the extent that the proposed development will not adversely affect the City in respect of the matters set out in this Subsection.

Subsection D.5 - Municipal Land Acquisition

In certain circumstances, it may be expedient for Council to acquire land and, subsequently, to hold, sell, or lease the land for the purpose of developing particular features or implementing particular policies of this Plan.

- 5.1 Council may acquire land from time to time in order to implement appropriate features of this Plan. In general, this will be done pursuant to the provisions of The Planning Act, which permits acquisition of land for this purpose, except where more specific legislation may also serve. Thus the City may acquire land pursuant to:
- i) The Housing Development Act to promote an orderly housing market and to facilitate housing projects and home ownership;
 - ii) The Planning Act for redevelopment purposes which will include the relocation of Non-Conforming Uses;
 - iii) The Ontario Heritage Act for the preservation of Historically or Architecturally significant buildings;
 - iv) The Municipal Act for the purpose of providing off-street automobile Parking lots and Highway land acquisition; and,
 - v) The Planning Act for the purpose of providing Park space.
- 5.2 All lands dedicated under the five per cent provision for Parks purposes as provided for in The Planning Act and any other dedication of land to the City will be adequately drained and transferred to the City in an acceptable condition. In this regard, existing vegetation will be in an undisturbed condition and the site will be free of debris with top soil intact. Further:
- i) No person will deposit, place, or store upon these lands any stone, brick, sand, concrete, equipment, soil, or other materials which may impede the free passage of water, air and nutrients to the roots of any vegetation growing thereon without a written permit from the appropriate Municipal Department; and,
 - ii) Lands acquired for Park purposes may retain their existing land use until Council is able to proceed with the comprehensive development of consolidated Park sites.

- 5.3 Priorities for Parkland acquisition will be based on:
- i) Existing and proposed population densities;
 - ii) Existing facilities and their accessibility to the Neighbourhood residents;
 - iii) The availability of funds for acquisition;
 - iv) The availability of land on the open market; and,
 - v) The necessity to expropriate based on time limitations to available acquisition funding.
- 5.4 Where lands are required to be dedicated for Parks purposes as permitted under The Planning Act, Council will give preference to the dedication of developable lands.
- 5.5 Where feasible and deemed appropriate, Council will acquire Parklands or established recreational rights-of-way along water courses.
- 5.6 Municipal Parks and passive Open Spaces will generally be acquired as far ahead of development as possible, provided that the design of the surrounding area ensures the integration of Park or Open Space with other Community Services associated with the Neighbourhood.
- 5.7 Where feasible, new Parkland will be acquired in concert with the acquisition programs of the School Boards so that a complementary integration of facilities may be attained.
- 5.8 The detailed design of Neighbourhood Parks will be prepared after the boundaries of the lands dedicated are known so that any landscaping and grade modifications may be co-ordinated to the advantage of both the City and the developer.

Subsection D.6 - Official Plan Amendments and Reviews

While it is not the intent to amend this Plan frequently, it is recognized that some circumstances will require this and, in any case, it must be REVIEWED on a regular and on-going basis. A major revision at five-year intervals will be carried out, supplemented by an annual update of information on certain elements of this Plan. As well, it is the intent of this Plan to ensure that those affected by any proposed AMENDMENTS or changes to this Plan are made aware of the proposals and are provided with the opportunity to express their views.

- 6.1 This PLAN has been formulated so as to require REVIEW at regular intervals as follows:
- i) A major REVIEW will be carried out at five-year intervals;
 - ii) An annual REVIEW will be made to incorporate new information as it becomes available and minor changes not requiring AMENDMENT or permitted through the Interpretation clause will be consolidated in the PLAN at that time;
 - iii) AMENDMENTS will be required when a major change in land use designation or a major public work is proposed that does not comply with the policies herein or any other major change that is proposed to the policies of this PLAN. AMENDMENTS will also be required where Council intends to approve a Neighbourhood Plan which affects the intensity of any land use, changes the intended use of any lands, or otherwise does not comply with the policies herein; and,
 - iv) For the purposes of maintaining conformity, AMENDMENTS will be required when major revisions are made to the Regional Official Plan which have a direct bearing on the planning of Hamilton.
- 6.2 Council will promote the active participation of the citizens of the City of Hamilton in the implementation of the policies of this Plan and any subsequent AMENDMENTS, and will provide opportunities for such participation.

Subsection D.7 - Governmental Assistance

Implementation of the general intent and objectives of this Plan will, in part, be dependent upon the availability and application by both public and private enterprise, of the various GOVERNMENTAL and funding opportunities available.

- 7.1 Council, in co-operation with local agencies, will investigate the availability of Provincial and Federal ASSISTANCE and funding programs which may, from time to time, be instituted which will assist in the realization of any aspect of this Plan. Where appropriate, Council may make, and/or will encourage private enterprise to make, application for relevant funding under such programs.
- 7.2 Where difficulty is experienced by a developer in assembling land for a development or redevelopment which is encouraged in, or would further the intent of, this Plan, Council may, if requested, offer its ASSISTANCE and:
- i) May act as an intermediary through the use of its good offices to secure the voluntary co-operation of all parties necessary to bring the proposed development, or redevelopment, to fruition;
 - ii) Where redevelopment is clearly in the best interests of the citizens of Hamilton, but would otherwise fail to materialize, Council may designate the area as a redevelopment area as provided by The Planning Act and may assemble the necessary land or carry out such other action as may be necessary to bring the proposed development to fruition; and,
 - iii) Where such a development is clearly in the interest of all citizens of Hamilton but would otherwise fail to materialize, Council may request the ASSISTANCE and co-operation of other levels of GOVERNMENT in any action that may be necessary to bring the proposed development to fruition. (O.P.A. No. 27)

Subsection D.8 - Interpretation

For the administration and implementation of this Plan, the activities of the City, the Region and the Province of Ontario and all other affected public agencies should be co-ordinated and, unless special circumstances prevail which would make alternative arrangements expedient, the Planning and Development Committee and Council will be the co-ordinating agency.

- 8.1 Adoption of this Plan will be evidence that Council has undertaken to abide by the Plan and implement its provisions. More particularly:
- i) No public works will be undertaken that do not conform with the intent of this Plan;
 - ii) No by-laws or other regulations will be adopted or imposed that are contrary to the intent of this Plan; and,
 - iii) The Municipal Budget and Five-Year Capital Budget forecast will be drawn up to recognize the provisions of this Plan.
- 8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "C", "D", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan.
(O.P.A. No. 22)
- 8.3 Council will give very careful attention to proposed developments in adjacent municipalities and will object to any that would appear to prejudice the sound planning of the City as set out in this Plan.
- 8.4 This Plan does not prohibit, or otherwise attempt to regulate, the use of land by the Hamilton Harbour Commissioners for bona fide shipping and navigation purposes.
- 8.5 Any Zoning By-laws implementing this Plan will contain a provision that exempts the development of land for bona fide shipping and navigation purposes by the Hamilton Harbour Commissioners, or for electric power facilities by Ontario Hydro, or any other essential operations of government and utilities, from the policies of this Plan and by-law.

Subsection D.9 - Notification and Public Participation Procedure

It is intended that all proposed Amendments to this Plan and the Zoning By-law will be subject to a formal NOTIFICATION AND PUBLIC PARTICIPATION PROCEDURE. Further, in the preparation of Community Improvement Plans and Amendments thereto, the same PROCEDURE will be followed.

Accordingly, such a PROCEDURE will define the method of informing and obtaining public input to ensure that any proposed Amendment is responsive to municipal and public concerns.

It is intended that the PROCEDURE established in this Subsection of the Plan will replace all relevant sections of The Planning Act, and its implementing regulations, as they apply to public notice and input. The requirements of The Planning Act for amendments to the Official Plan, the Zoning By-law and Community Improvement Plans and Amendments thereto, will apply unless the PROCEDURES herein are met. The City of Hamilton is exercising the opportunity afforded by The Planning Act to establish an alternative PROCEDURE.

9.1 In considering the merits of any proposed Amendment to this Plan or Zoning By-law, as a result of a specific application or special study, and in the preparation of a Community Improvement Plan and Amendments thereto, the Planning and Development Committee, on behalf of Council (in accordance with the Municipal Act), will notify, inform, and seek the input of all interested citizens. Accordingly, this Committee will be guided by the following PROCEDURE OF NOTIFICATION AND PUBLIC PARTICIPATION:

- i) To inform and secure input from the public on the particulars of a proposal, the Planning and Development Committee will hold one or more public meeting(s). Further, depending on the nature and extent of a proposal, the Committee may, prior to the notice of the public meeting, also choose to:
 - a) convene open house(s);
 - b) have public displays;
 - c) hold workshops or seminars; or,
 - d) utilize other means considered appropriate to inform and secure public input.

In all cases, the appropriate staff will be available to assist and receive comments from the public during normal business hours on any matter where public notice has been given.

- ii) NOTIFICATION of such meeting(s) will be given to the public at least 17 days prior to the date of the meeting(s) and will be given either by:
 - a) publication in a newspaper that is, in the Clerk's opinion, of sufficiently general circulation in the area to which the proposal would apply; and/or,
 - b) personal service or prepaid first-class mail, to every owner, occupant or tenant of land:
 - in the area to which the proposal would apply; and,
 - within 120 metres of the area to which the proposal would apply,as shown on the last revised assessment roll of the municipality, at the address shown on the roll, but, where the Clerk has received written notice of a change of ownership or occupancy of land, notice shall be given to the new owner or occupant as the case may be at the address set out in the written notice; and/or,
 - c) personal service or prepaid first-class mail to every person and agency that has given the Clerk a written request for such notice in respect of the proposed Official Plan and Zoning By-law Amendments, Community Improvement Plans and Amendments.
- iii) In all instances, Council decisions will take place a minimum of 30 days from the time NOTIFICATION is first given.

9.2 Amendments proposed to this Plan and/or Zoning By-law and Community Improvement Plans and Amendments, due to the Neighbourhood Plan process, as set out in Subsection D.2 (Planning Units and Neighbourhood Plans) will be subject to public review concurrently with the Neighbourhood Plan. Accordingly, the public meeting(s) for the Neighbourhood Plan will be used to inform and seek public input on any associated Amendment(s). In this regard, the NOTIFICATION PROCEDURE, detailed in Policy 9.1 above, will be followed for such Neighbourhood Plan meetings.

9.3 Notwithstanding Policy D.9.1 above, a public meeting will not be held where any Amendment is considered minor in nature. Minor Amendments will be for format changes, typographical errors, grammatical errors, or where a by-law amends a by-law to express a word, term, or measurement in the by-law in a unit of measurement in accordance with the Weights and Measures Act. (O.P.A. No. 15)

Subsection D.10 - Community Improvement

It is the general intent of the Plan to promote the ongoing maintenance of the established areas of residences and work in the City through COMMUNITY IMPROVEMENT. Accordingly, it is intended that COMMUNITY IMPROVEMENT be achieved by means of the conservation, rehabilitation or redevelopment of areas characterized by obsolete buildings, and/or conflicting land uses and/or inadequate levels of Engineering and Community Services.

It is thus necessary to provide the framework to co-ordinate public and individual initiatives to effectively utilize the funding programs available from senior levels of government for COMMUNITY IMPROVEMENT. To this end, it is further intended that COMMUNITY IMPROVEMENT Project Areas, be identified and appropriate strategies for their revitalization be detailed through COMMUNITY IMPROVEMENT Plans.

- 10.1 It is the intent of Council that the COMMUNITY IMPROVEMENT AREAS as shown on Schedule "H" may be designated, in whole or part, by by-law, as COMMUNITY IMPROVEMENTS Project Areas, for which detailed COMMUNITY IMPROVEMENT Plans will be prepared. (O.P.A. No. 15)
- 10.2 Council will utilize the following criteria to identify and delineate COMMUNITY IMPROVEMENT Project Areas:
- i) Older, predominantly Residential areas, which are potentially stable and have some of the following:
 - a) a significant portion of the housing stock in need of rehabilitation;
 - b) inadequate Engineering Services such as: sewers and watermains; roads and streets; curbs and sidewalks; and street lighting and utilities;
 - c) inadequate Community Services such as public indoor/outdoor recreational facilities; public open space; and public social facilities;
 - d) encroachment of non-residential uses; and,
 - e) inadequate parking facilities.

- ii) Older, predominantly Commercial areas, which are potentially stable and have some of the following:
 - a) a significant portion of the building stock in need of rehabilitation;
 - b) inadequate Engineering Services such as: roads, sewers and watermain, street lighting;
 - c) poor overall visual amenity of the area;
 - d) existing or potential for a Business Improvement Area designation; and,
 - e) inadequate parking facilities.
- iii) Older, predominantly Industrial areas, which are potentially stable and have some of the following:
 - a) inadequate Engineering Services;
 - b) inadequate road access and traffic circulation;
 - c) shortage of land to accommodate building expansion and/or parking and loading facilities;
 - d) encroachment of non-industrial uses; and,
 - e) building and/or property deterioration. (O.P.A. No. 15)

10.3 Council will determine the sequences in which designated COMMUNITY IMPROVEMENT Project Areas will have individual COMMUNITY IMPROVEMENT Plans prepared. In this manner, limited public funding assistance will be directed to those Areas with critical deficiencies. (O.P.A. No. 15)

10.4 The COMMUNITY IMPROVEMENT Plan will function to co-ordinate individual initiatives to improve properties with municipal actions to improve Engineering and Community Services. Accordingly, COMMUNITY IMPROVEMENT Plans will define which of the following measures amongst others will apply in the affected COMMUNITY IMPROVEMENT Project Areas:

- i) Use of appropriate funding programs;
- ii) Acquisition of land where necessary in keeping with Subsection D.5 of this Plan;

- iii) Enforcement of a property standards by-law in keeping with Subsection C.5 of this Plan;
 - iv) Consideration of more flexible zoning including bonus zoning provisions, where it will support the COMMUNITY IMPROVEMENT objectives;
 - v) Encouragement of infill and rehabilitation where feasible;
 - vi) Promotion of historical preservation through the appropriate Provincial and Federal legislation in keeping with Subsection C.6 of this Plan; and,
 - vii) Promotion of the viability of Commercial areas through such means as the establishment of Business Improvement Areas. (O.P.A. No. 15)
- 10.5 In the preparation of a COMMUNITY IMPROVEMENT Plan, Council will solicit the input of affected residents, property owners and other interested groups in keeping with the Notice and Public Participation Procedure, as set out in Subsection D.9 of this Plan. COMMUNITY IMPROVEMENT Plans and amendments thereto will be adopted by Council. (O.P.A. No.15)
- 10.6 When Council is satisfied that the COMMUNITY IMPROVEMENT Plan has been carried out, Council may, by by-law, dissolve the COMMUNITY IMPROVEMENT Project Area. (O.P.A. No. 15)

special policy areas

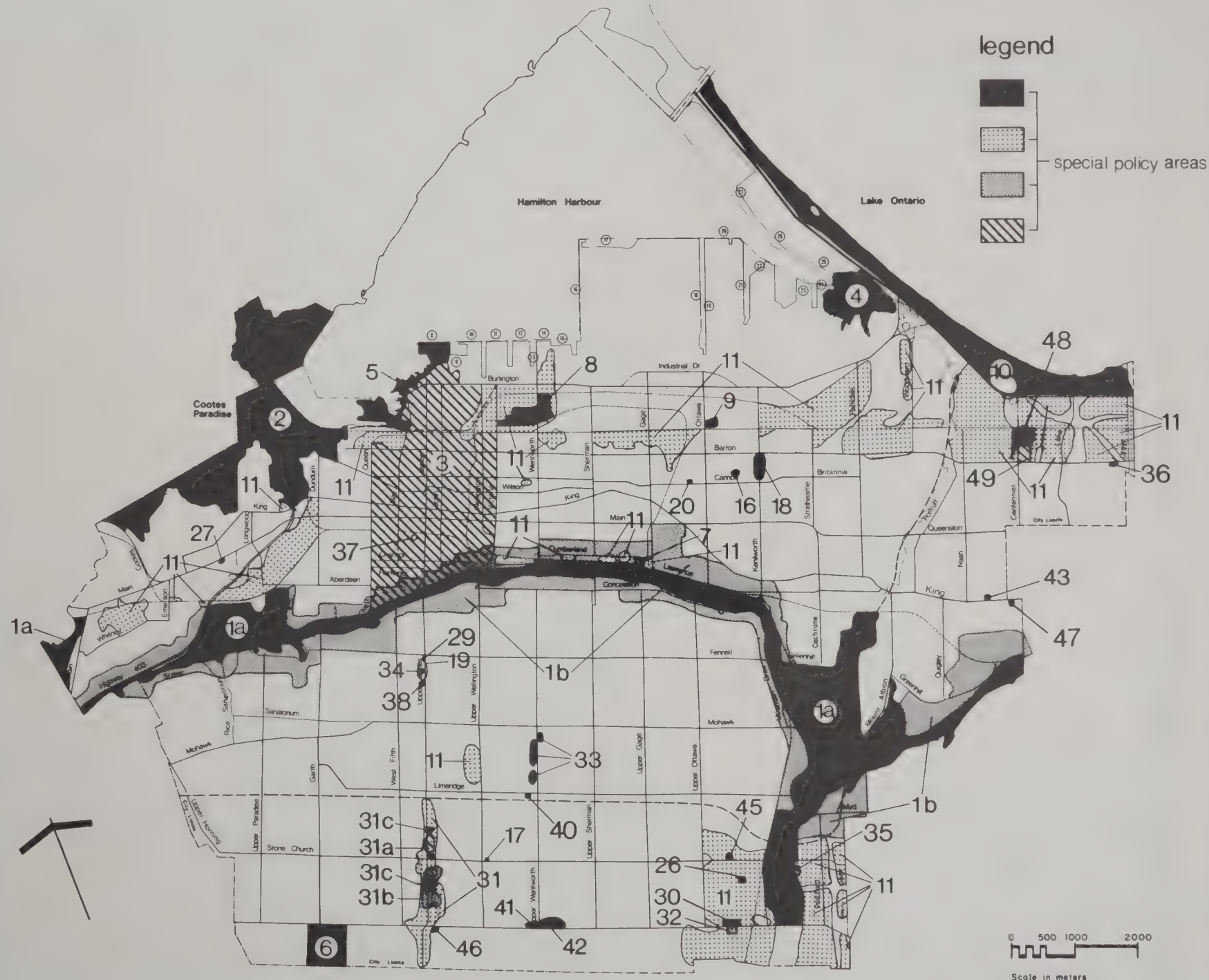
AREA	REFER TO POLICY
1(a)	A.2.9.1.
1(b)	A.2.9.1.
2	A.2.9.2.
3	A.2.9.3.
	A.2.9.3.1.
4	A.2.9.3.2.
5	A.2.9.3.3.
6	A.2.9.3.4.
7	A.2.9.3.5.
8	A.2.9.3.6.
9	A.2.9.3.7.
10	A.2.9.3.8.
11	A.2.9.3.9.
16	A.2.9.3.14.
17	A.2.9.3.15.
18	A.2.9.3.16.
19	A.2.9.3.17.
20	A.2.9.3.18.
26	A.2.9.3.21.
27	A.2.9.3.22.
29	A.2.9.3.24.
30	A.2.9.3.25.
31	A.2.9.3.26.
31(a)	A.2.9.3.26.
31(b)	A.2.9.3.26.
31(c)	A.2.9.3.26.
32	A.2.9.3.27.
33	A.2.9.3.28.
34	A.2.9.3.29.
35	A.2.9.3.30.
36	A.2.9.3.31.
37	A.2.9.3.32.
38	A.2.9.3.33.
40	A.2.9.3.35.
41	A.2.9.3.36.
42	A.2.9.3.37.
43	A.2.9.3.38.
45	A.2.9.3.40.
46	A.2.9.3.41.
47	A.2.9.3.42.
48	A.2.9.3.43.
49	A.2.9.3.44.

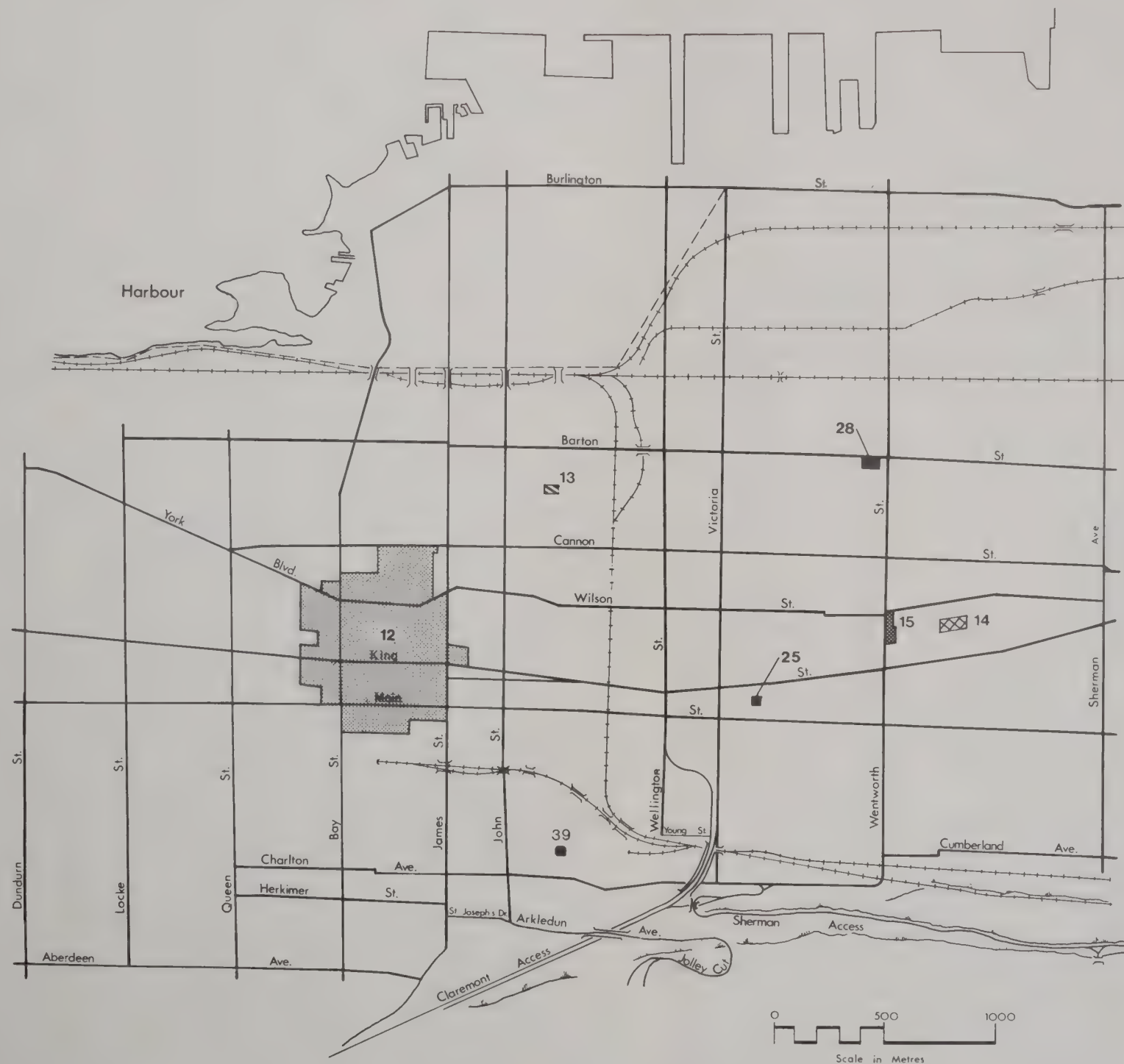
Refer to Schedule B - 1 for Special Policy Areas in the Downtown

schedule B

to the official plan
for
the city of hamilton

90 06 30





other special policy areas

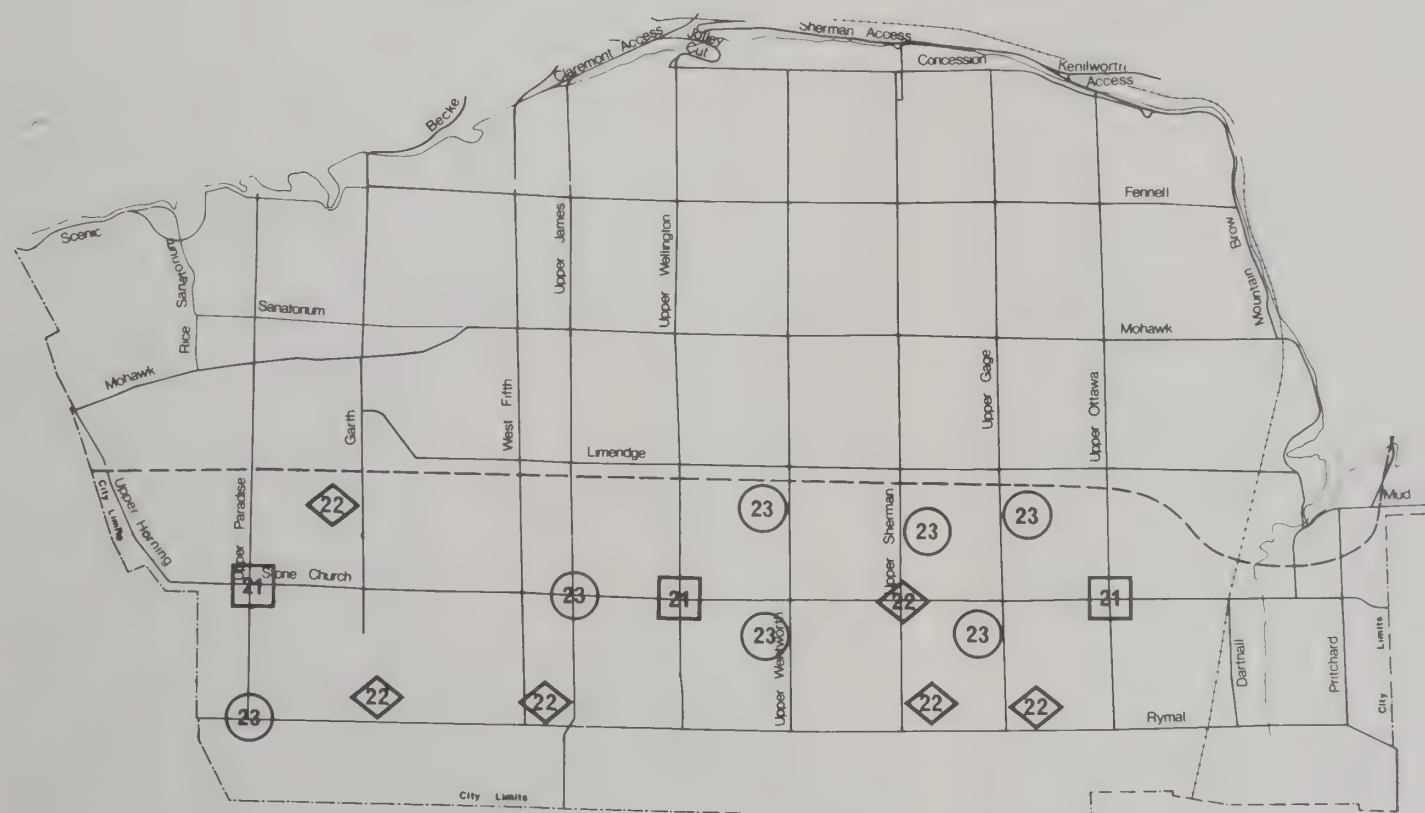
legend

- 12 refer to policy A.2.9.3.10
- 13 refer to policy A.2.9.3.11
- 14 refer to policy A.2.9.3.12
- 15 refer to policy A.2.9.3.13
- 25 refer to policy A.2.9.3.20
- 28 refer to policy A.2.9.3.23
- 39 refer to policy A.2.9.3.34

schedule B-1

to the official plan
for
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0 1000 2000
Scale in Metres

other special policy areas

legend

- 21 refer to policy A.2.2.8 (iii) and D.2.5(x)(a)
- 22 refer to policy A.2.2.8 (iv) and D.2.5(x)(b)
- 23 refer to policy A.2.2.8 (v) and D.2.5(x)(c)

schedule B-2

to the official plan
for
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hazard lands

legend

hazard lands

(for more precise delineation of hazard lands, refer to the flood and fill line mapping approved by the appropriate conservation authority)



schedule C

to the official plan
for
the city of hamilton

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REVISIONS	
DATE	O.P.A. / SOURCE
83 03 08	Council Direction



environmentally sensitive areas

legend

- 1 royal botanical gardens, cootes paradise
- 2 hamilton mountain (radial line)
- 3 hamilton niagara escarpment
- 4 red hill creek, kings forest
- 5 ancaster creek headwater
- 6 red hill creek marsh van wagners marsh
- 7 felkers falls & niagara escarpment
- 8 toll gate ponds

schedule D

to the official plan
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major roads

legend

-  inter-regional highway
-  arterial roads (regional)
-  proposed arterial roads (regional)
-  other roads
-  36m designated rights-of-way width

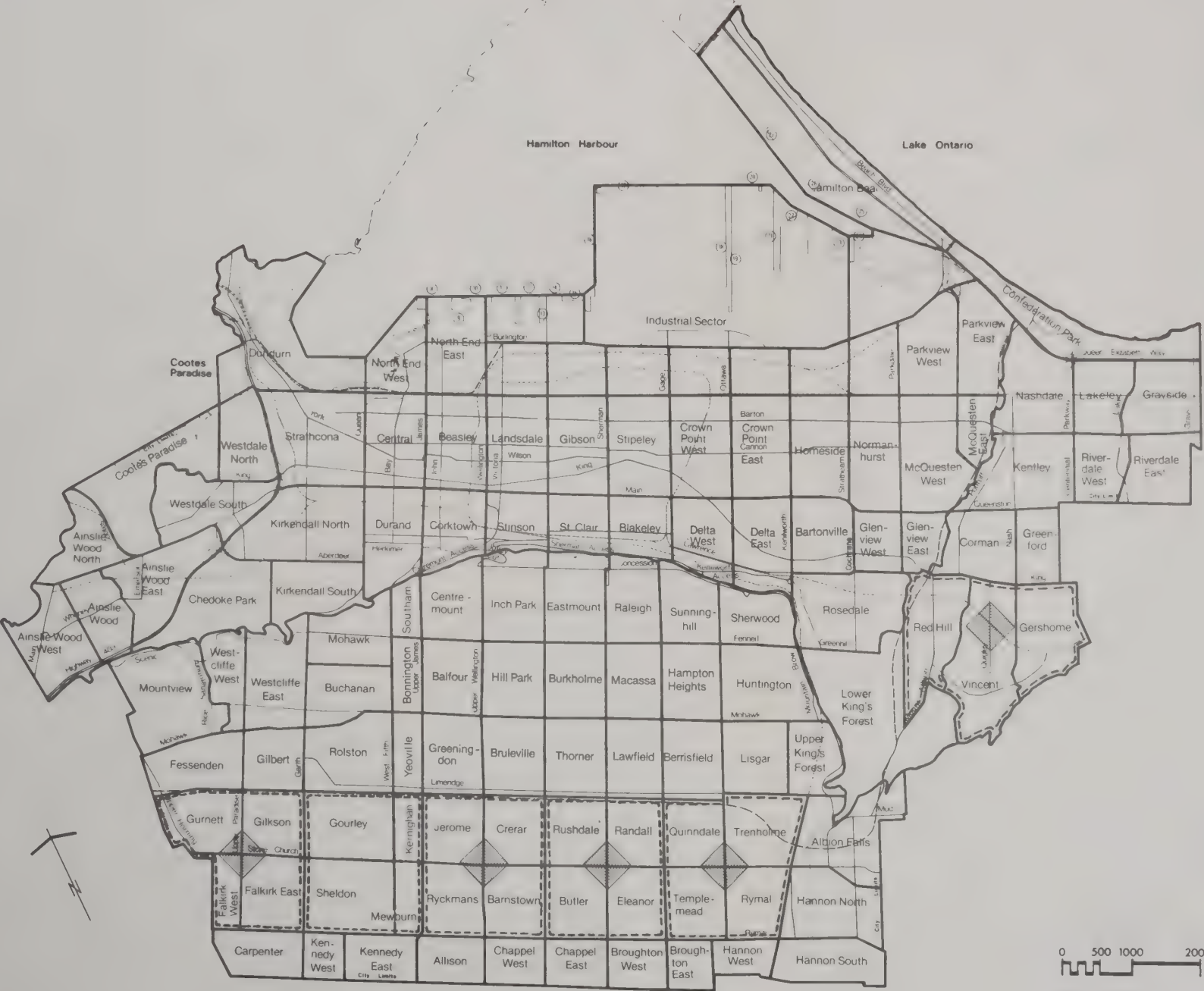
schedule F

to the official plan
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the city of hamilton

JUNE 30, 1990

planning units

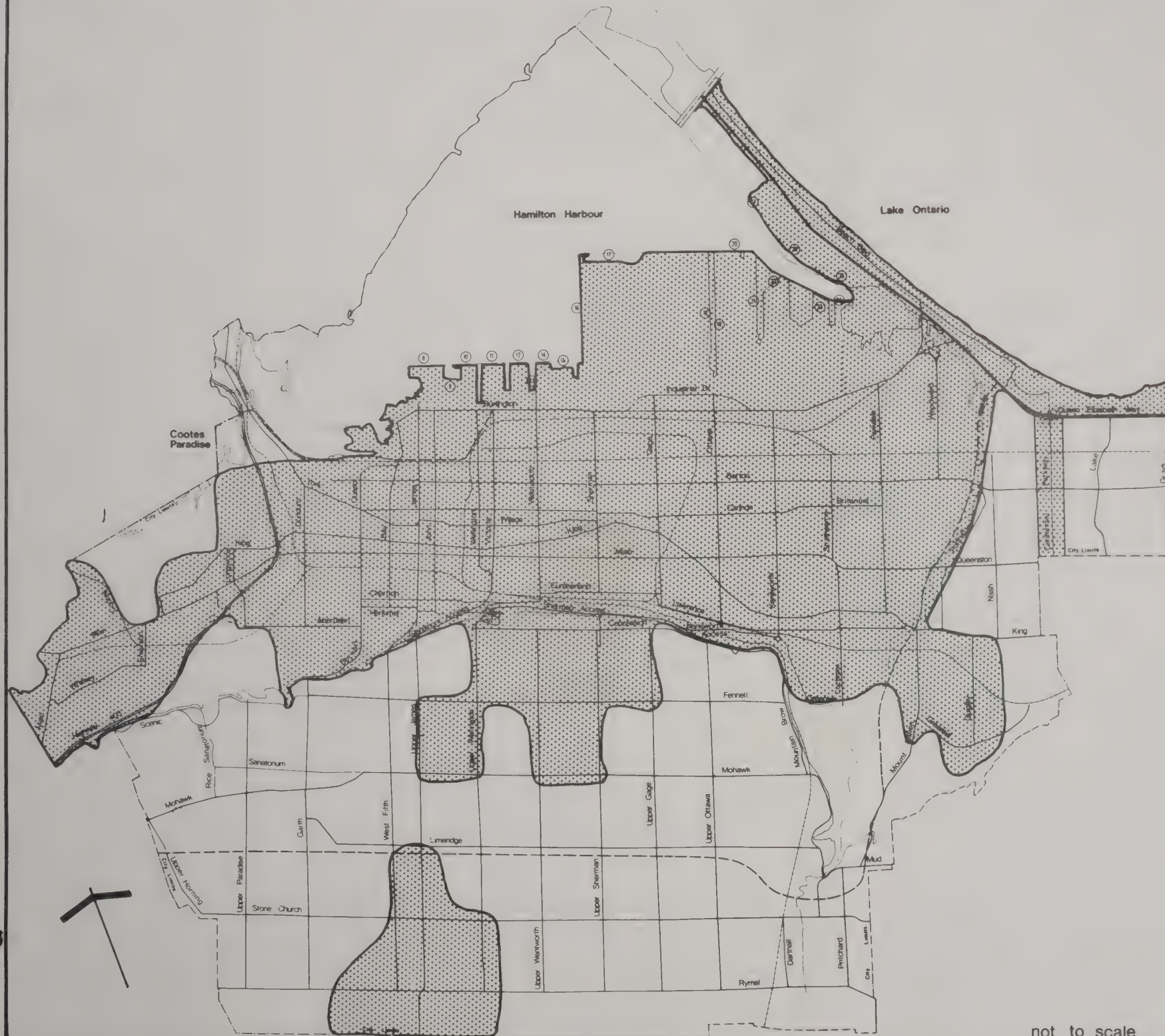
- neighbourhood name & boundary
- community boundary
- multi-centre



schedule G

to the official plan
for
the city of hamilton

JUNE 30, 1990



community improvement areas

legend

 community improvement areas

schedule H

to the official plan
for
city of hamilton

JUNE 30, 1990

not to scale



DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT

land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- special policy area: windermere basin
- pier numbers
- sub regional centre

schedule A

to the official plan
for
the city of hamilton

NOV 4, 1990

